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BEFORE THE HEARING BOARD OF THE

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In The Matter Of

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT,

Petitioner,

vs.

CHIQUITA CANYON, LLC a Delaware  
Corporation,  
[Facility ID No. 119219]

Respondent.

Case No. 6177-4

**DECLARATION OF KATHRYN  
ROBERTS IN SUPPORT OF SOUTH  
COAST AQMD'S MOTION TO QUASH**

Health and Safety Code § 41700, and  
District Rules 402, 431.1, 3002, 203,  
1150 \_\_\_\_\_

Hearing Date: January 29, 2026  
Time: 9:30 am  
Place: Hearing Board  
South Coast Air Quality  
Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

I, Kathryn Roberts, declare as follows:

1. I am employed as a Principal Deputy District Counsel within the Office of the General Counsel at the South Coast Air Quality Management District ("South Coast AQMD"). I am duly licensed to practice law in the State of California and I am counsel of record for the South Coast AQMD in Hearing Board Case No. 6177-4. I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify to the matters stated herein.

2. As counsel for the South Coast AQMD in this matter, I am familiar with multiple other agencies' investigations and enforcement efforts relating to Chiquita Canyon Landfill ("Chiquita"). Multiple regulatory agencies at the local, state, and federal level are actively

investigating Chiquita's subsurface reaction that is addressed by the Order for Abatement in Case No. 6177-4.

3. Attached as **Exhibit 1** is a true and correct copy of the Common Interest and Confidentiality Agreement ("CICA") entered into between South Coast AQMD and multiple other agencies. Through this CICA, South Coast AQMD has shared confidential and/or privileged information with other parties to the CICA without compromising the privileged or confidential protections of that information. Such information can be used by the CICA parties for various enforcement efforts to fully investigate and redress all ongoing violations and seek all appropriate remedies for the ongoing subsurface reaction at Chiquita.

4. Attached as **Exhibit 2** is a true and correct copy of the federal docket for the lawsuit brought by the County of Los Angeles (the "County") against Chiquita (and its parent entities) (Case No. 2:24-cv-10819-MEMF-MAR).

5. Attached as **Exhibit 3** is a true and correct copy of the Motion for a Preliminary Injunction brought by the County in the federal lawsuit. The relief sought in this Motion includes funding for relocation, or home hardening, of residents that are most impacted by the odors caused by Chiquita.

6. Attached as **Exhibit 4** are true and correct copies of CICA disclosure emails I and my co-counsel, Ryan P. Mansell, sent to the County. These protected disclosures involved confidential data sets obtained by the South Coast AQMD, including the private home addresses of public complainants who have contacted the South Coast AQMD to complain about odors emanating from Chiquita. Each of the emails clearly marked the disclosed data sets as Confidential and subject to the CICA. These emails transmitted, through three data sets, the information known as the Confidential Data. The Confidential Data was provided for a purpose protected by the CICA, to enable the County to redress public impacts of the nuisance-level odors by seeking a Court order against Chiquita for relocation and home hardening costs.

7. As part of providing the Confidential Data to the County in support of its Motion for a Preliminary Injunction, the South Coast AQMD requested that the County pursue a Protective Order in its federal lawsuit to ensure that the Confidential Data would remain confidential even if it were shared through the discovery process in the federal litigation. The Confidential Data, then, would remain confidential and its use and dissemination would be carefully controlled.

8. Attached as **Exhibit 5** is a true and correct copy of the Stipulated Protective Order entered by the Court in the County's federal lawsuit. The Protective Order as stipulated to by the County and Chiquita (and its parent entities) requires maintaining the Confidential Data confidential and limits any parties use of that data to only litigating the Preliminary Injunction Motion filed by County.

9. Attached as **Exhibit 6** is a true and correct copy of the federal Court's Order Granting the County's Motion for a Preliminary Injunction.

10. Attached as **Exhibit 7** is a true and correct copy of the County's and Chiquita's Joint Statement Regarding Scope of the Preliminary Injunction.

11. On October 18, 2025, counsel for Chiquita contacted my colleague regarding Chiquita's possession of the Confidential Data thorough Chiquita's separate federal litigation with the County. Chiquita's counsel informed District Counsel of their intent to use an analysis of the Confidential Data at the December 9, 2025, Hearing Board status and modification hearing.

12. As lead counsel for the District, I am familiar with the modifications that were being negotiated to modify the Order. I knew that there was no new or modified condition that would, in any way, turn on the specific location of any individual complainant's home address. I thus concluded that no potential analysis Chiquita was preparing based on the addresses would be relevant, let alone material to the Board's decision. Accordingly, as part of seeking a stipulation from Chiquita on the proposed conditions, South Coast AQMD counsel agreed that

South Coast AQMD would not object to the introduction of Chiquita's analysis so long as no privileged information, including any individual's specific home address, would be entered into the public record. It is my understanding of the Protective Order that Chiquita's use of the Confidential Data was limited to litigating the County's Motion for a Preliminary Injunction and that Chiquita's use of the Confidential Data for the Hearing Board proceedings is not in accordance with the federal court-ordered Protective Order.

13. Attached as **Exhibit 8** are true and correct copies of emails from Chiquita's counsel requesting the District to provide complaints that include privileged information, such as the complainants' full address, on an ongoing basis. In accordance with District policy, which restricts the provision of privileged information absent an order from a court or the Hearing Board, District Counsel declined to provide such information.

14. In June 2025 I became aware that Chiquita put unsolicited flyers in the mailboxes of members of the public discussing the reaction and alleging that public officials had spread "misinformation" regarding the reaction at Chiquita. I obtained a copy of the flyer from an email that an affected community member had sent to the District (among other entities). The community member raised concerns about Chiquita's surreptitious action. Attached as **Exhibit 9** is a true and correct copy of the email from the community member to the District regarding the flyer including the attached flyer from Chiquita. To protect the confidentiality and personal identity of the public, I redacted the names and email addresses of members of the public. Chiquita's flyer, and the public's disapproval of such tactics, have been discussed at public meetings where Chiquita's representatives were in attendance. Chiquita did not deny distributing the flyers.

15. As part of my work on this matter, I routinely review general complaint numbers the South Coast AQMD receives, particularly as part of preparation for any Hearing Board hearing. I am aware that the South Coast AQMD regularly receives several hundred complaints each month alleging Chiquita as the source of odors. During many months over the course of



this matter, the South Coast AQMD has logged more than a thousand complaints in a single calendar month.

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

Executed on this 23<sup>rd</sup> day of December, 2025, at Diamond Bar, California.



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Kathryn Roberts

# **Exhibit 1**

## Original Common Interest Agreement

**Common Interest Confidentiality Agreement Between  
The South Coast Air Quality Management District, The California Air Resources Board,  
The California Department of Resources Recycling and Recovery (CalRecycle), And The  
California Environmental Protection Agency Regarding  
The Chiquita Canyon Sanitary Landfill, CalRecycle Solid Waste Information System  
Database Number 19-AA-0052**

This Common Interest Confidentiality Agreement (“Agreement”) reflects the mutual understanding between the South Coast Air Quality Management District (“SCAQMD”), the California Air Resources Board (“CARB”), the California Department of Resources Recycling and Recovery (“CalRecycle”), and the California Environmental Protection Agency (“CalEPA”) (collectively, the “Parties”; singularly, a “Party”) with respect to the sharing of information regarding environmental, public health, and health and safety concerns, investigations, potential enforcement actions, and other issues of common interest relating to the Chiquita Canyon Sanitary Landfill, located at 29201 Henry Mayo Drive, in the unincorporated community of Castaic, Los Angeles County, California (“Landfill”).

The Landfill is owned and operated by Chiquita Canyon, LLC. (“Chiquita Corp.”). The Landfill is a Class III (municipal) State permitted solid waste facility. Chiquita Corp. is also proposing to concurrently operate a Green Material Composting Facility leachate treatment plant at the Landfill. Chiquita Corp. operates a landfill gas collection system and landfill gas flare system pursuant to permits from the SCAQMD and the Landfill is additionally permitted as a Title V source by the SCAQMD.

CalRecycle has jurisdiction over the Landfill pursuant to its authority under Public Resources Code sections 40000 *et seq.* and California Code of Regulations Title 27, section 20005 *et seq.* to manage solid waste facilities for the preservation of health and safety, and the well-being of the public,

SCAQMD has jurisdiction over the Landfill pursuant to its authority under Health and Safety Code sections 40000 *et seq.* and 40400 *et seq.* as sole and exclusive local agency with responsibility for comprehensive air pollution control in the South Coast Air Basin.

CARB’s mission is to promote and protect public health, welfare, and ecological resources through effective reduction of air pollutants while recognizing and considering effects on the economy. CARB is the lead agency for climate change programs and oversees all air pollution control efforts in California to attain and maintain health-based air quality standards. (See, e.g., Health & Saf. Code, §§ 38500 *et seq.*, 39000 *et seq.*)

CalEPA is a cabinet-level agency that oversees CARB, State Water Resources Control Board and the nine Regional Water Quality Control Boards, the Department of Toxic Substances Control, CalRecycle, the Department of Pesticide Regulation, and the Office of Environmental

Health Hazard Assessment. (See, e.g., Gov. Code section 12800.) Its mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality. It has a statutory duty to ensure consistent, effective, and coordinated enforcement among the boards, departments, and offices within its jurisdiction. (See Gov. Code section 12812.2.)

The Parties' interactions regarding the Landfill include the sharing of Common Interest Information for which disclosure beyond that required by law may hamper the Parties' efforts to address issues at the Landfill and protect public health and the environment. Full and candid deliberations among the Parties, where protected from public disclosure by law, serve the public interest by allowing development of a coordinated and comprehensive approach to issues at the Landfill.

The purpose of this Agreement is to enable the Parties to share confidential and privileged information, or information that is otherwise exempt from public disclosure, and to allow the Parties to have and share confidential communications without waiving the confidential, privileged, or exempt status. Consistent with California Government Code, section 7921.505, subdivision (c), the Parties may share Common Interest Information with each other without waiver of any Applicable Privileges, Immunities, and Protections. The Parties believe that sharing Common Interest Information enables the Parties to effectively confer and consult on a matter of joint concern for the purpose of and in furtherance of their shared policy goals and statutory directives related to the Landfill.

This Agreement memorializes the mutual understanding between the Parties regarding privileges and claims of confidentiality that may be asserted in response to California Public Records Act requests and any other third-party requests, including requests in any administrative or judicial proceedings.

This Agreement sets forth the process by which the Parties will manage and protect Common Interest Information shared during the course of the Parties' investigative and enforcement actions related to the Site.

Therefore, the Parties agree as follows:

1. Definitions.

- 1.1. "Common Interest Information" means all records, including but not limited to emails, draft and internal documents, calculation worksheets, communications between and among the Parties, empirical data, charts, summaries, enforcement case information, test data, photographs, any other materials with respect to the Landfill that are designated by the Parties to be exempt from disclosure under the California Public Records Act; any other materials if those records would otherwise be confidential

or considered privileged from disclosure to third parties as a result of the attorney-client privilege, the attorney work product doctrine, the joint prosecution doctrine, and any other privilege or protection. The records may be generated by the Parties or provided to them by non-employee agents of the respective Parties. All documents and other information comprising Common Interest Information shall remain subject to the applicable privileges and will be kept confidential by the parties. Pursuant to the common interest doctrine and other related doctrines, the sharing of otherwise privileged or protected information between the Parties will not constitute a waiver of any otherwise applicable privilege or protection. (Gov. Code, § 7921.505; *see, e.g., Armenta v. Superior Court* (2002) 101 Cal.App.4th 525; *Oxy Resources California LLC v. Superior Court* (2004) 115 Cal.App.4th 874). “Common Interest Information” shall include information shared between the Parties prior to the Effective Date of this Agreement, as the Parties’ common interests regarding the Site predate the Effective Date.

- 1.2. “Applicable Privileges, Immunities, and Protections” means any applicable privilege, immunity, protection, exemption from disclosure, or other basis for maintaining confidentiality that otherwise applies under California law, including, but not limited to, the attorney-client privilege (Evid. Code, § 954); the work-product doctrine and privilege (Code Civ. Proc., § 2018.030 and Evid. Code, § 915); the deliberative process privilege; the official information privilege (Evid. Code, § 1040); any other applicable privilege, immunity, or exemption under the California Public Records Act (Gov. Code, § 6250 *et seq.*), the Evidence Code, the Information Practices Act (Civ. Code, § 1798 *et seq.*) or other law; and any non-waiver doctrine including, but not limited to, the common interest doctrine, the joint prosecution doctrine, fiduciary law principles, and the allied lawyer doctrine.

2. This Agreement shall govern the sharing of Common Interest Information related to the technical assistance, oversight, coordination, investigative, enforcement and/or corrective actions taken or proposed to be taken by any Party related to the management of air contaminant emissions from the Landfill, the management of solid waste at the Landfill, the post-closure management of the Landfill, and/or other concerns related to the environmental, public health and/or health and safety impacts of the Landfill. The sharing of Common Interest Information under the Agreement is not a waiver of any Applicable Privileges, Immunities, and Protections. The Parties intend that all Applicable Privileges, Immunities, and Protections be preserved upon the sharing of Common Interest Information between the Parties, and that all Common Interest

Information shall be protected from disclosure to any third party, except with respect to disclosure agreed to by the Parties as described in Paragraphs 9 and 10 below, and disclosures that are otherwise mandated by law, court order, or other lawful process.

3. The Parties agree that this Agreement memorializes the Common Interest that arose between the Parties prior to this Agreement's execution and that the obligations set forth herein apply to Common Interest Information shared between the Parties prior to the execution of this Agreement. It is the intention of the Parties that Common Interest Information shared prior to the execution of this Agreement shall remain confidential and protected from disclosure by the Applicable Privileges, Immunities, and Protections.

4. The Parties also share common interests in their investigation, which is anticipated to lead to one or more enforcement actions and/or corrective action orders involving violations of state and/or local law. The Parties wish to work together to protect their common interests by communicating in confidence about claims, evidence, strategy, and other subjects pertaining to the investigation of and potential claims. This Agreement covers information related to the Parties respective pre-litigation investigations and to any litigation commenced by any Party, as well as that work done in anticipation of litigation and to support decision-making around compliance, enforcement and/or remediation.

5. The Parties wish to meet and confer with respect to their common interests throughout the course of their investigation and enforcement efforts and agree that the sharing of information among their staff, management, consultants, agents, representatives, experts, and counsel will further their common objectives.

6. Only persons authorized in writing shall be permitted to obtain Common Interest Information, and any Common Interest Information obtained by the Parties shall only be used for purposes which are consistent with existing law. This includes CalRecycle, CARB, CalEPA, and SCAQMD investigators, the enforcement staff, the assigned attorneys for the Landfill matter, and executive management for each Party. An authorized persons list is included as Attachment A, which may be updated by each Party. Each Party acknowledges that Attachment A may be updated from time to time without further amendment of this Agreement, and that positions or contractors may be added or deleted from Attachment A as is relevant to achieve the purposes stated herein.

7. Each Party will be responsible for identifying Common Interest Information prior to sharing that information with the other Party, and for notifying the other Party at the time of sharing. A Party sharing Common Interest Information with the other Party shall label the information as "Privileged and Confidential." Failure to identify Common Interest Information,

however, shall not be deemed a waiver of any Applicable Privileges, Immunities, and Protections. The Party receiving the Common Interest Information shall take measures to ensure that it remains confidential, including, but not limited to requiring the receiving Party's staff and consultants to maintain the confidentiality of the Common Interest Information.

8. Information otherwise admissible, discoverable, or subject to subpoena in any proceeding shall not be rendered inadmissible, non-discoverable, or not subject to subpoena because it has been shared under this Agreement.

9. As allowed by applicable law, and subject to Paragraph 10 below, a Party may disclose Common Interest Information it has received to non-parties with the express, written permission of the authorized representative of the Party that provided the information, or as required by law, court order, or other lawful process.

10. A Party that receives a request or demand from a non-party to release, disclose, discuss, or obtain access to any shared Common Interest Information (such as a subpoena, discovery request, request under the California Public Records Act, or any other federal or state statute) shall immediately notify the other Party that provided the information ("originating Party") of such request. The Party receiving the request must also make a timely assertion of all appropriate privilege(s) and decline the requested disclosure of the Common Interest Information to any non-party, where appropriate. If notice to the originating Party cannot be given at least ten (10) calendar days prior to the deadline for compliance with the request for disclosure, the Party receiving the request agrees to seek an extension of time to respond to the request in order to allow the originating Party an opportunity to intervene.

11. Each Party shall take all necessary and appropriate steps to prevent any shared Common Interest Information from being intentionally or unintentionally released, disclosed, discussed, or made available to or with a non-party to this Agreement. If any Common Interest Information shared under this Agreement is inadvertently disclosed, the party responsible for the inadvertent disclosure, or at whose direction the inadvertent disclosure was made, will attempt in every reasonable way to retract the information and will cooperate with any or all other Parties to prevent the further unauthorized disclosure or use of the inadvertently disclosed information. If inadvertent disclosure occurs, the responsible party will provide prompt notification to all the Parties of: (a) what record(s) was disclosed and in what format (i.e., hard copy); (b) who the record(s) was disclosed to; and (c) what efforts were made to retract the record(s) and the result. Such action shall be taken within ten business days of the inadvertent disclosure.

The Parties agree, however, that no Party may initiate legal action against the other Party if any Common Interest Information is inadvertently disclosed by a Party to a non-party to this Agreement, despite that Party's best efforts to prevent such inadvertent disclosure pursuant to



this Agreement. Any inadvertent disclosure of Common Interest Information shall not be construed as a waiver of any applicable privilege, protection, immunity or exemption from disclosure.

12. Nothing in this Agreement shall be construed to create any third-party beneficiary or other rights in any person or entity not a party to this Agreement.

13. Nothing in this Agreement shall be construed to prejudice or limit the right of the Parties to take any action to enforce federal or state laws to protect public health, safety, welfare, or the environment.

14. Nothing in this Agreement compels either Party to share any information with the other Party. Nothing in this Agreement creates any obligation for either Party with respect to any information not shared.

15. The common interest privilege and confidentiality established by this Agreement are held jointly by all Parties and no Party is authorized to unilaterally waive the protections of the Agreement with respect to any information shared under this Agreement.

16. This Agreement may be terminated by any Party upon thirty (30) calendar days prior written notice to the other Parties. However, such termination shall not affect the Parties' commitment to protect Common Interest Information shared between the Parties prior to the termination. The terminating Party shall return all copies of Common Interest Information provided to it pursuant to this Agreement within ten (10) calendar days of termination, subject to any applicable state laws regarding record keeping.

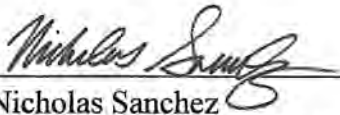
17. At the request of any Party, shared Common Interest Information shared by that Party shall be returned to that Party or shall be destroyed by the receiving Party, subject to any applicable state laws regarding record keeping.

18. The Parties may add additional parties to the Agreement by executing a written addendum.

19. This Agreement may be executed in counterparts, each of which when executed shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

It is so AGREED.

FOR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT:

  
\_\_\_\_\_  
Nicholas Sanchez  
Assistant Chief Deputy Counsel

September 26, 2023  
Date

FOR THE CALIFORNIA AIR RESOURCES BOARD:

\_\_\_\_\_  
Ellen M. Peter  
Chief Counsel

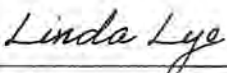
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FOR THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE):

\_\_\_\_\_  
Mindy McIntyre  
Chief Deputy Director

\_\_\_\_\_  
Date

FOR THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY:

  
\_\_\_\_\_  
Linda Lye  
Deputy Secretary for Law  
Enforcement & General Counsel

September 26, 2023  
Date

19. This Agreement may be executed in counterparts, each of which when executed shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

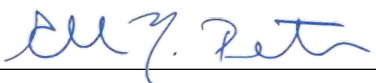
It is so AGREED.

FOR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT:

\_\_\_\_\_  
Nicholas Sanchez  
Assistant Chief Deputy Counsel

\_\_\_\_\_  
Date

FOR THE CALIFORNIA AIR RESOURCES BOARD:

  
\_\_\_\_\_  
Ellen M. Peter  
Chief Counsel

09/27/2023  
\_\_\_\_\_  
Date

FOR THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE):

\_\_\_\_\_  
Mindy McIntyre  
Chief Deputy Director

\_\_\_\_\_  
Date

FOR THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY:

\_\_\_\_\_  
Linda Lye  
Deputy Secretary for Law  
Enforcement & General Counsel

\_\_\_\_\_  
Date

19. This Agreement may be executed in counterparts, each of which when executed shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

It is so AGREED.

FOR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT:

\_\_\_\_\_  
Nicholas Sanchez  
Assistant Chief Deputy Counsel

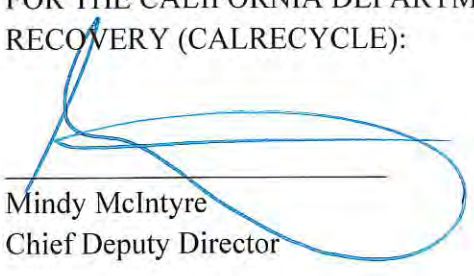
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FOR THE CALIFORNIA AIR RESOURCES BOARD:

\_\_\_\_\_  
Ellen M. Peter  
Chief Counsel

\_\_\_\_\_  
Date

FOR THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE):

  
\_\_\_\_\_  
Mindy McIntyre  
Chief Deputy Director

9/27/23  
\_\_\_\_\_  
Date

FOR THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY:

\_\_\_\_\_  
Linda Lye  
Deputy Secretary for Law  
Enforcement & General Counsel

\_\_\_\_\_  
Date

## First Addendum to Common Interest Agreement

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**Addendum to Common Interest Confidentiality Agreement between the South Coast Air Quality Management District, the California Air Resources Board, the California Department of Resources Recycling and Recovery, and the California Environmental Protection Agency Regarding the Chiquita Canyon Sanitary Landfill, CalRecycle Solid Waste Information System Database Number 19-AA-0052**

The South Coast Air Quality Management District, the California Air Resources Board (CARB), the California Department of Resources Recycling and Recovery (CalRecycle), and the California Environmental Protection Agency (CalEPA) (collectively referred to herein as the "Existing Parties") have entered into the attached Common Interest Confidentiality Agreement ("Agreement"), which was executed on September 26, 2023 and September 27, 2023. The Existing Parties have entered into the Agreement in order to share Common Interest Information relating to the Chiquita Canyon Sanitary Landfill (Landfill) on a confidential basis as recited in the Agreement. As provided for in Paragraph 18 of the Agreement, the Existing Parties and the State Water Resources Control Board (State Water Board); the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board); the Department of Toxic Substances Control (DTSC); County of Los Angeles (County); the Consolidated Fire Protection District of Los Angeles County, acting as a Certified Unified Program Agency for the County (LACoCUPA); County of Los Angeles, Department of Public Health, Acting as the Local Enforcement Agency (LEA); and the United States Environmental Protection Agency – Region 9 (U.S. EPA) now wish to amend the Agreement to add the State Water Board; the Regional Water Board; DTSC; County; LACoCUPA; LEA; and U.S. EPA as additional Parties in order to share Common Interest Information among themselves on a confidential basis for the purposes recited in the Agreement. As provided for in Paragraph 6 of the Agreement, the State Water Board, the Regional Water Board, DTSC, County, LACoCUPA, LEA, and U.S. EPA are each providing, in Attachment A to this Addendum, a list of persons authorized in writing to obtain Common Interest Information. Terms used herein but not otherwise defined shall have the respective meanings ascribed to them in the Agreement.

Now, therefore, the South Coast Air Quality Management District, CARB, CalRecycle, CalEPA, the State Water Board, the Regional Water Board, DTSC, County, LACoCUPA, LEA, and U.S. EPA agree as follows:

1. The State Water Board has jurisdiction over the Landfill pursuant to its authority under Water Code section 13300 et seq. and California Code of Regulations Title 27, section 2005 et seq. to regulate water quality aspects of discharges of solid waste to land for treatment, storage, or disposal.
2. The Regional Water Board has jurisdiction over the Landfill pursuant to its authority under Water Code section 13300 et seq. and California Code of Regulations Title 27, section 2005 et seq. to regulate water quality aspects of discharges of solid waste to land for treatment, storage, or disposal. Additionally, State Water Board Resolution No. 93-062 requires the Regional Water Board to implement the federal Municipal Solid Waste (MSW) regulations contained in Title 40, Code of Federal Regulations, Parts 257 and 258.
3. DTSC's mission includes protecting California's people, communities, and environment from toxic substances. The California Legislature has found that long-

term threats to public health and to air and water quality are posed by the landfill disposal of many types of untreated hazardous wastes and by the inappropriate handling, storage, use, and disposal of hazardous wastes. Health & Safety Code Sections 25100 and 25101. DTSC is authorized to enforce the laws and regulations implementing California's hazardous waste control law. Health & Safety Code Section 25180.

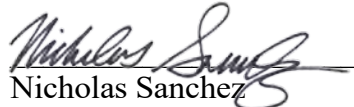
4. County has regulatory and enforcement jurisdiction over the Landfill pursuant to the Los Angeles County Code (public health, building and safety, grading, land use, etc.), various State laws, and conditional use permit number 2004-00042-(5), which governs operation of the Landfill.
5. LACoCUPA has regulatory and enforcement jurisdiction at Chiquita Canyon Landfill for the following: Hazardous Waste Generator Program, pursuant to Health and Safety Code, Division 20, Chapter 6.5, and California Code of Regulations, Title 22, Division 4.5; Hazardous Materials Release Response Plans and Inventory Program, pursuant to Health and Safety Code, Division 20, Chapter 6.95, Article 1; and the Aboveground Petroleum Storage Program, pursuant to Health and Safety Code, Division 20, Chapter 6.67.
6. LEA is certified by CalRecycle, and authorized by Division 30 of the California Public Resources Code, Sections 43209 and 45000, and Title 14 of the California Code of Regulations, to enforce applicable solid waste regulations within the County of Los Angeles. Division 30, Part 5, of the Public Resources Code and Title 14 of the California Code of Regulations, Sections 18304 and 18304.1, authorize LEA to issue enforcement orders for violations of the Public Resources Code and regulations adopted pursuant to Division 30 (California Code of Regulations Titles 27 & 14). In fulfilling its duties, the LEA is deemed to be carrying out a state function, and acts independently from the County of Los Angeles.
7. U.S. EPA's mission is to protect human health and the environment. U.S. EPA has concurrent jurisdiction to monitor for compliance and enforce environmental requirements in federal programs authorized, approved or delegated to states, local governments and tribes for implementation. U.S. EPA also retains sole jurisdiction to implement, monitor for compliance and enforce all federal environmental programs not otherwise authorized, approved or delegated to a state, local government or tribe for implementation. Those programs include, but are not limited to, programs established to implement: the Clean Water Act, 42 U.S.C. §§ 15251 et seq.; the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act), 42 U.S.C. §§ 6901 et seq.; the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq.; the Clean Air Act, 42 U.S.C. §§ 7401 et seq.; and the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. §§ 9601 et seq.
8. The State Water Board, the Regional Water Board, DTSC, County, LACoCUPA, LEA, and U.S. EPA share the common interest of the Existing Parties, as set forth in Paragraph 2 of the Agreement. The Parties share common interests in their investigation, which is anticipated to lead to one or more enforcement actions and/or corrective action orders involving violations of federal, state and/or local law.
9. The State Water Board, the Regional Water Board, DTSC, County, LACoCUPA, LEA, and U.S. EPA shall be and are Parties to the Agreement.
10. The terms "Party" and "Parties" as used in the Agreement shall include the State Water Board, the Regional Water Board, DTSC, County, LACoCUPA, LEA, and U.S. EPA, as well as the Existing Parties.

11. The State Water Board, the Regional Water Board, DTSC, County, LACoCUPA, LEA, and U.S. EPA shall be and are subject to all of the rights and obligations of a Party to the Agreement, including the rights and obligations of a receiving Party and/or of a sharing Party as applicable in a particular situation, in the same manner as the Existing Parties.
12. The Parties agree that the State of California is subject to the Public Records Act codified in Government Code Sections 7920.000 et seq., but that Common Interest Information, as defined in Paragraph 1.1 that may be exchanged may be exempt from disclosure pursuant to Applicable Privileges, Immunities, and Protections.
13. The Parties agree that the United States is subject to the Freedom of Information Act, but that Common Interest Information, as defined in Paragraph 1.1, that may be exchanged may be exempt from disclosure under 5 U.S.C. § 552(b), and that furnishing such information or documents to the Parties shall not invalidate the application of any such exemption.
14. The term “Applicable Privileges, Immunities and Protections,” as used in the Agreement shall include any applicable privilege, immunity, protection, exemption from disclosure, or other basis for maintaining confidentiality that otherwise applies under federal law.
15. The Parties agree that upon termination of the Agreement, any return or destruction of copies of Common Interest Information pursuant to Paragraphs 16 and 17 shall also be subject to applicable federal laws regarding record keeping.
16. All other terms of the Agreement remain the same.

SO AGREED, STIPULATED AND EXECUTED:



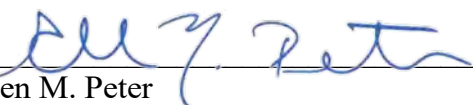
For the South Coast Air Quality Management District

A handwritten signature in black ink, appearing to read "Nicholas Sanchez", is written over a horizontal line.

Nicholas Sanchez  
Assistant Chief Deputy Counsel

March 26, 2024  
Date

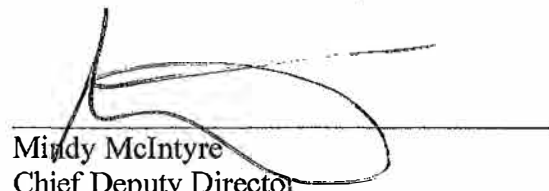
For the California Air Resources Board

  
\_\_\_\_\_  
Ellen M. Peter  
Chief Counsel

05/24/2024

\_\_\_\_\_  
Date

For the California Department of Resources Recycling and Recovery



Mindy McIntyre  
Chief Deputy Director

9/4/24  
Date

For the California Environmental Protection Agency

*Linda Lye*

---

Linda Lye  
Deputy Secretary for Law Enforcement &  
General Counsel

3/27/24

---

Date

For the State Water Resources Control Board



---

Eric Oppenheimer  
Executive Director

April 22, 2024

---

Date

For the California Regional Water Quality Control Board, Los Angeles Region

Susana  
Arredondo



Digitally signed by Susana  
Arredondo  
Date: 2024.04.19 16:01:02  
+07'00'

04/19/2024

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Susana Arredondo  
Executive Officer

---

Date

For the Department of Toxic Substances Control

*Lawrence Hafetz*

Lawrence Hafetz  
Chief Counsel

March 26, 2024

Date

For U.S. EPA

SYLVIA QUAST

Digitally signed by SYLVIA  
QUAST  
Date: 2024.03.25 20:23:07  
-07'00'

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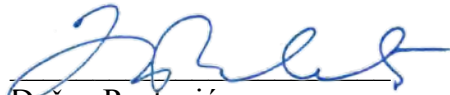
Sylvia Quast  
Regional Counsel  
U.S. EPA Region 9

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Date



For County of Los Angeles

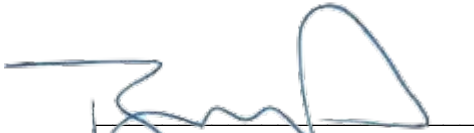


Dušan Pavlović  
Senior Deputy County Counsel  
Office of the County Counsel  
County of Los Angeles

03/26/2024

Date

For Local Enforcement Agency



Blaine D. McPhillips  
Senior Deputy County Counsel  
Office of the County Counsel  
County of Los Angeles

3/26/2024

Date

For the Consolidated Fire Protection District of Los Angeles County



Jenny Tam  
Senior Deputy County Counsel  
Office of the County Counsel  
County of Los Angeles

Date

3/26/2024

## Second Addendum to Common Interest Agreement

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**Second Addendum to Common Interest Confidentiality Agreement between the South Coast Air Quality Management District, the California Air Resources Board, the California Department of Resources Recycling and Recovery, the California Environmental Protection Agency, the State Water Resources Control Board, the California Regional Water Quality Control Board, Los Angeles Region, the Department of Toxic Substances Control, County of Los Angeles, the Consolidated Fire Protection District of Los Angeles County, acting as a Certified Unified Program Agency for the County, County of Los Angeles Department of Public Health, acting as the Local Enforcement Agency, the United States Environmental Protection Agency – Region 9, the Office of Environmental Health Hazard Assessment, the California Department of Public Health, County of Los Angeles, Office of Emergency Management, and the Governor’s Office of Emergency Services Regarding the Chiquita Canyon Sanitary Landfill, CalRecycle Solid Waste Information System Database Number 19-AA-0052**

The South Coast Air Quality Management District, the California Air Resources Board (CARB), the California Department of Resources Recycling and Recovery (CalRecycle), and the California Environmental Protection Agency (CalEPA) (collectively referred to herein as the “Initial Parties”) have entered into the attached Common Interest Confidentiality Agreement (“Agreement”), which was executed on September 26, 2023, and September 27, 2023. The Initial Parties added the State Water Resources Control Board (State Water Board); the California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board); the Department of Toxic Substances Control (DTSC); County of Los Angeles (County); the Consolidated Fire Protection District of Los Angeles County, acting as a Certified Unified Program Agency for the County (LACoCUPA); County of Los Angeles, Department of Public Health, Acting as the Local Enforcement Agency (LEA); and the United States Environmental Protection Agency – Region 9 (U.S. EPA) (collectively referred to herein, together with the Initial Parties, as the “Existing Parties”) as additional Parties to the Agreement by executing the attached addendum to the Agreement in accordance with Paragraph 18 of the Agreement. The Existing Parties have entered into the Agreement in order to share Common Interest Information relating to the Chiquita Canyon Sanitary Landfill (Landfill) on a confidential basis as recited in the Agreement. As provided for in Paragraph 18 of the Agreement, the Existing Parties and the California Department of Public Health (CDPH), the Office of Environmental Health Hazard Assessment, CalEPA (OEHHA), County of Los Angeles, Office of Emergency Management (CEO-OEM), and California Governor’s Office of Emergency Services (Cal OES) now wish to amend the Agreement to add OEHHA, CDPH, CEO-OEM, and Cal OES as additional Parties in order to share Common Interest Information among themselves on a confidential basis for the purposes recited in the Agreement. As provided for in Paragraph 6 of the Agreement, OEHHA, CDPH, CEO-OEM, and Cal OES are each providing, in Attachment A to this Addendum, a list of persons authorized in writing to obtain Common Interest Information. Terms used herein but not otherwise defined shall have the respective meanings ascribed to them in the Agreement.

Now, therefore, CDPH, OEHHA, CEO-OEM, and Cal OES agree as follows:

1. Within CDPH is the Environmental & Occupational Emergency Preparedness Team

(EPT), a multi-disciplinary team that addresses environmental and occupational hazards and emergencies. EPT has expertise in disaster epidemiology, exposure science, public health emergency preparedness and response, partnerships, emergency management, population assessments, and data science. EPT provides guidance and consultation to the Public Health Assessment Unit, which is a multiagency group tasked with developing technical and health-related guidance for the community and schools. (See, e.g., Health & Saf. Code, §§ 100325 et seq., 105175, 105440 et seq., 131085.)

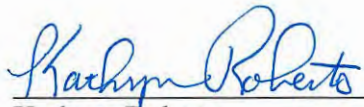
2. OEHHA's role in the emergency response efforts at the Landfill is to advise members of the Public Health Assessment Unit on the application of health guidance values in protecting the community around the landfill from exposures to airborne chemicals. Other public health agencies, including local air districts, and county health officials consult with OEHHA on appropriate health guidance values from the Air Toxics Hot Spots program and advises on their proper use, and identifies additional non-OEHHA health guidance values available for use, when warranted. OEHHA also participates in communicating risk of health effects to the community.
3. CEO-OEM has the responsibility of comprehensively planning for, responding to, and recovering from large-scale emergencies and disasters that impact the County, including at the Landfill. CEO-OEM's work is accomplished in partnership and collaboration with first response agencies, as well as non-profit, private sector, and government partners.
4. Cal OES is a cabinet level office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. (See Gov. Code, § 8585, subd. (e).).
5. OEHHA, CDPH, CEO-OEM, and Cal OES share the common interest of the Existing Parties, as set forth in Paragraph 2 of the Agreement. The Parties share common interests in their investigations, which is anticipated to lead to one or more enforcement actions and/or corrective action orders involving violations of federal, state and/or local law.
6. OEHHA, CDPH, CEO-OEM, and Cal OES shall be and are Parties to the Agreement.
7. The terms "Party" and "Parties" as used in the Agreement shall include OEHHA, CDPH, CEO-OEM, and Cal OES as well as the Existing Parties.
8. OEHHA, CDPH, CEO-OEM, and Cal OES shall be and are subject to all of the

rights and obligations of a Party to the Agreement, including the rights and obligations of a receiving Party and/or of a sharing Party as applicable in a particular situation, in the same manner as the Existing Parties.

9. The Parties agree that the State of California is subject to the Public Records Act codified in Government Code Sections 7920.000 et seq., but that Common Interest Information, as defined in Paragraph 1.1 that may be exchanged may be exempt from disclosure pursuant to Applicable Privileges, Immunities, and Protections.
10. The Parties agree that the United States is subject to the Freedom of Information Act, but that Common Interest Information, as defined in Paragraph 1.1, that may be exchanged may be exempt from disclosure under 5 U.S.C. § 552(b), and that furnishing such information or documents to the Parties shall not invalidate the application of any such exemption.
11. The term “Applicable Privileges, Immunities and Protections,” as used in the Agreement shall include any applicable privilege, immunity, protection, exemption from disclosure, or other basis for maintaining confidentiality that otherwise applies under federal law.
12. The Parties agree that upon termination of the Agreement, any return or destruction of copies of Common Interest Information pursuant to Paragraphs 16 and 17 shall also be subject to applicable federal laws regarding record keeping.
13. All other terms of the Agreement remain the same.

SO AGREED, STIPULATED AND EXECUTED:

For the South Coast Air Quality Management District



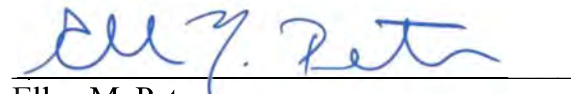
Kathryn Roberts  
Senior Deputy District Counsel

11/19/24

Date



For the California Air Resources Board

  
Ellen M. Peter  
Chief Counsel

Date: January 14, 2025

For the California Department of Resources Recycling and Recovery

Zoe Heller

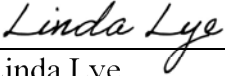
Digitally signed by Zoe  
Heller  
Date: 2024.11.21  
10:46:42 -08'00'

Zoe Heller  
Director

11/21/2014

Date

For the California Environmental Protection Agency

  
\_\_\_\_\_  
Linda Lye  
Deputy Secretary for Law Enforcement &  
General Counsel

11/18/2024

\_\_\_\_\_  
Date

For the State Water Resources Control Board

A handwritten signature in black ink, appearing to read "Eric Oppenheimer". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Eric Oppenheimer  
Executive Director

November 21, 2024

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Date

For the California Regional Water Quality Control Board, Los Angeles Region

Susana  
Arredondo



Digitally signed by Susana  
Arredondo  
Date: 2024.11.12 18:42:16  
-08'00'

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Susana Arredondo  
Executive Officer

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11/12/2024  
Date

For the Department of Toxic Substances Control

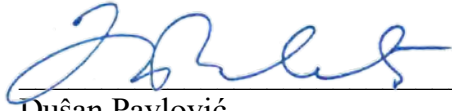
*David Sadwick*

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David Sadwick  
Deputy Chief Counsel

November 22, 2024  
Date

For County of Los Angeles



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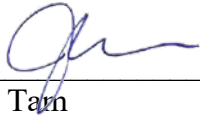
Dušan Pavlović  
Senior Deputy County Counsel  
Office of the County Counsel  
County of Los Angeles

11/25/2024

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Date

For the Consolidated Fire Protection District of Los Angeles County



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Jenny Tam  
Senior Deputy County Counsel  
Office of the County Counsel  
County of Los Angeles


12/3/2024

---

Date



For Local Enforcement Agency

A handwritten signature in black ink, appearing to read 'Blaine D. McPhillips', positioned above a horizontal line.

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Blaine D. McPhillips  
Senior Deputy County Counsel  
Office of the County Counsel  
County of Los Angeles

11/13/2024

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Date

For U.S. EPA

SUZANNE  
ANDREWS

Digitally signed by  
SUZANNE ANDREWS  
Date: 2024.11.26  
17:03:18 -08'00'

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Suzanne Andrews  
Regional Counsel  
U.S. EPA Region 9

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Date

For the Office of Environmental Health Hazard Assessment, California Environmental Protection Agency



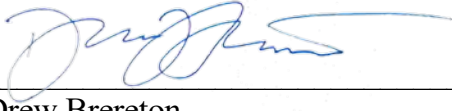
David Edwards (Nov 18, 2024 14:40 PST)

David Edwards, Ph.D.  
Acting Director  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency

11/18/24

Date

For the California Department of Public Health



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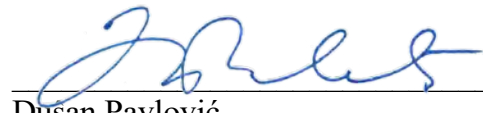
Drew Brereton  
Chief Counsel

11/20/2024

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Date

For County of Los Angeles, Office of Emergency Management



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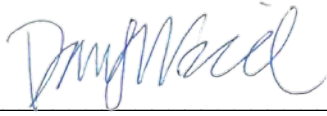
Dusan Pavlović  
Senior Deputy County Counsel  
Office of the County Counsel  
County of Los Angeles

11/19/2024

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Date

For California Governor's Office of Emergency Services

A handwritten signature in blue ink, appearing to read "David Neill", written over a horizontal line.

David J. Neill  
Chief Counsel

February 21, 2025

Date

## Consolidated Authorized Persons Lists (Updated as of 3.11.2025)

NOTE: For current Authorized Persons Lists, consult this folder: [Updated Lists of Confidential Information Recipients](#)

## **ATTACHMENT A:**

### **PERSONS AUTHORIZED TO RECEIVE INFORMATION UNDER THIS AGREEMENT**

The Parties provide the following list of persons within each agency to indicate persons, including their designees or persons working under their direction, permitted to obtain the confidential information shared under this Agreement. Each Party shall maintain and update its list of authorized persons as needed and share that list with each agency that is a party to this Agreement upon request.

#### **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

Executive Officer (currently Wayne Nastri, and any successor thereto)  
Chief Operating Officer (currently Susan Nakamura, and any successor thereto)  
General Counsel (currently Bayron Gilchrist, and any successor thereto)  
Assistant Chief Deputy Counsel, Major Prosecutions (currently Nicholas Sanchez, and any successor thereto)  
Sr. Deputy District Counsel Kathryn Roberts  
Sr. Deputy District Counsel Mary Reichert  
Deputy Executive Officer, Engineering and Permitting (currently Jason Aspell, and any successor thereto)  
Assistant Deputy Executive Officer, Engineering and Permitting (currently Jillian Wong, and any successor thereto)  
Sr. Engineering Manager, Public Services/Waste Management (currently Angela Shibata, and any successor thereto)  
Supervising Air Quality Engineer Marilyn Potter  
Sr. Air Quality Engineer Nathaniel Dickel  
Air Quality Engineer Baitong Chen  
Deputy Executive Officer, Compliance and Enforcement (currently Terrence Mann, and any successor thereto)  
Assistant Deputy Executive Officer, Compliance and Enforcement (currently Victor Yip, and any successor thereto)  
Sr. Enforcement Manager, Waste Management, Compliance and Enforcement (currently Devorlyn Celestine, and any successor thereto)  
Supervising Air Quality Inspector Laurance Israel  
Air Quality Inspectors, Waste Management (Gerardo Vergara, Christina Ojeda)

#### **CALIFORNIA AIR RESOURCES BOARD**

Executive Officer (currently Steve Cliff, and any successor thereto)  
Chief Counsel (currently Ellen M. Peter, any successor thereto)  
Assistant Chief Counsels (currently Shannon Dilley, David Hults, and Jeannie Lee, and any successors thereto)  
Staff Attorney Kelli Johnson



Division Chief of the Enforcement Division (currently Heather Quiros and any successor thereto)  
Branch Chief, Stationary Source Enforcement Branch, Enforcement Division (currently Dave Mehl and any successor thereto)  
Branch Chief, Field Operations Branch, Enforcement Division (currently Rachel Connors and any successor thereto)  
Manager, District Support Section, Enforcement Division (currently Jeff Lindberg and any successor thereto)  
Air Resource Engineer Vanessa Aguila  
Manager, Short-Lived Climate Pollutant Enforcement Section (currently Hurshbir Shahi and any successor thereto)  
Air Pollution Specialist Sara Tamber

#### CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALREYCLE)

Director (currently Rachel Wagoner, and any successor thereto)  
Chief Deputy Director (currently Mindy McIntyre, and any successor thereto)  
Chief Counsel (currently Anastasia Baskerville, and any successor thereto)  
Deputy Director of the Waste Permitting, Compliance and Mitigation Division (currently Mark de Bie, and any successor thereto)  
Deputy Director of the Legislative & External Affairs Office (currently Erin Rodriguez, and any successor thereto)  
Assistant Chief Counsel, Debris Removal & Solid Waste Section, Legal Affairs Office (currently Ron Darbee, and any successor thereto)  
Branch Chief, Engineering Support Branch, Waste Permitting, Compliance and Mitigation Division (currently Wes Mindermann, and any successor thereto)  
Senior Staff Counsel (for Active Permitted Solid Waste Facilities), Debris Removal & Solid Waste Section, Legal Affairs Office (currently Benjamin Grimes, and any successor thereto)  
Todd Thalhamer, Staff, Engineering Support Branch, Waste Permitting, Compliance and Mitigation Division  
Steven Levine, Senior Staff Counsel, Debris Removal & Solid Waste Section, Legal Affairs Office

## **PERSONS AUTHORIZED TO RECEIVE INFORMATION UNDER THE CHIQUITA CANYON COMMON INTEREST AGREEMENT**

The Common Interest Agreement executed by the parties on September 26 and 27, 2023, as well as the Addendum thereto, included a list of persons within each agency to indicate persons, including their designees or persons working under their direction, permitted to obtain the confidential information shared under this Agreement. As provided for in the Agreement, each party is to maintain and update its list of authorized persons as needed and share that list with each agency that is a party to this Agreement upon request.

As of March 7, 2025, CalEPA hereby updates its list of persons, including designees and persons working under their direction, permitted to obtain the confidential information shared under this Agreement.

Secretary for Environmental Protection (currently Yana Garcia, and any successor thereto)

Undersecretary for Environmental Protection (currently Catalina Hayes-Bautista, and any successor thereto)

Deputy Secretary for Local Program Coordination and Emergency Response (currently Jason Boetzer, and any successor thereto)

Deputy Secretary for Public Policy (currently Krystal Acierto, and any successor thereto)

Deputy Secretary and Special Counsel for Water Policy (currently Anna Naimark, and any successor thereto)

Deputy Secretary for Law Enforcement & General Counsel (currently Linda Lye, but also including Acting Deputy Secretary for Law Enforcement & General Counsel Emel Wadhvani who served from June through August 2024, and any successor thereto)

Deputy Secretary for Communications and External Affairs (currently Nefretiri Cooley, and any successor thereto)

Deputy Secretary for Legislative Affairs (previously Craig Scholer, currently Ana Melendez and any successor thereto)

Deputy Secretary for Local Program Coordination and Emergency Response (currently Jason Boetzer, and any successor thereto)

Deputy Secretary of Environmental Justice & Equity (currently Yvonne Chi, and any successor thereto)

Deputy Secretary of Intergovernmental Relations (currently Sabine Talaugon, and any successor thereto)

Assistant General Counsel for Enforcement (previously Rachel Zwilling, currently vacant, and any successor thereto)

Assistant General Counsel (currently Jeannie Lee, and any successor thereto)

Environmental Enforcement Manager (currently Trevor Anderson, and any successor thereto)

Emergency Response Program Manager, (currently John Elkins, and any successor thereto)

Senior Emergency Services Coordinator (currently Kristi Plascencia, and any successor thereto)

Environmental Scientist (currently Alison Wilder, and any successor thereto)

Associate Government Program Analyst (currently Mina Tagizadeh, and any successor thereto)

Senior Enforcement Advisor (currently Todd Sax, and any successor thereto)

Updated March 7, 2025

Attachment A:  
Persons Authorized to Receive Information Under the Agreement

The State Water Board, the Regional Water Board, DTSC, County, LEA, and U.S. EPA provide the following list of persons within each agency to indicate persons, including their designees or persons working under their direction, permitted to obtain the confidential information shared under this Agreement. The Existing Parties have each previously provided their respective lists of persons authorized to receive information under the Agreement. Each Party shall maintain and update its list of authorized persons.

## STATE WATER RESOURCES CONTROL BOARD

Executive Director (currently Eric Oppenheimer, and any successor thereto)

Chief Deputy Director (currently Jonathan Bishop, and any successor thereto)

Division of Water Quality, Deputy Director (currently Karen Mogus, and any successor thereto)

Division of Water Quality, Assistant Deputy Director, Groundwater Quality Branch (currently Annalisa Kihara, and any successor thereto)

Division of Water Quality, Supervising Engineering Geologist, Groundwater Protection Section (currently Scott Couch, and any successor thereto)

Division of Water Quality, Senior Engineering Geologist, Groundwater Protection Section (currently Brianna St. Pierre, and any successor thereto)

Assistant Chief Counsel, State Board Water Quality Unit (currently Phil Wyels, and any successor thereto)

Senior Staff Counsel, State Board Water Quality Unit (currently Tim Regan, and any successor thereto)

Director, Office of Enforcement (currently Yvonne West, and any successor thereto)

Communications Office, Media Relations Director (currently Jacqueline Carpenter, and any successor thereto)

Communications Office, Information Officer (Ailene Voisin)

Office of Legislative Affairs, Staff Service Manager I (currently Courtney Hoyt, and any successor thereto)

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

Executive Officer (currently Susana Arredondo, and any successor thereto)

Assistant Executive Officer for Groundwater (currently Hugh Marley, and any successor thereto)

Assistant Executive Officer for Surface Water (currently Jenny Newman, and any successor thereto)

Groundwater Permitting & Land Disposal Section Manager (currently Milasol Gaslan, and any successor thereto)

Compliance and Enforcement Section Manager (currently Russ Colby, and any successor thereto)

Enforcement I Unit Supervisor (current Ching To, and any successor thereto)

Enforcement II Unit Supervisor (current, Pavlova Vitale, and any successor thereto)

Land Disposal Unit Supervisor (currently Wen Yang, and any successor thereto)

Stormwater Compliance Unit Supervisor (currently Nerissa Schrader, and any successor thereto)

Assistant Chief Counsel Regional Board Branch 2 (currently Jennifer Fordyce, and any successor thereto)

Regional Water Board Counsel\* (currently Adriana Nunez and Stephanie Yu, and any successors thereto)

Office of Enforcement Regional Water Board Counsel (currently Catherine Hawe and David Boyers, and any successor thereto)

Douglas Cross, Engineering Geologist, Land Disposal Unit

Bobbi Valencia, Environmental Scientist, Enforcement I Unit

Sean Lee, Water Resource Control Engineer, Stormwater Compliance Unit

Enrique Casas, Engineering Geologist, Land Disposal Unit

Scott Landon, Water Resource Control Engineer, Enforcement II

Tayler Hill, Environmental Scientist, Enforcement II

\*Board Counsel Amelia Carder is recused from this matter and is not authorized to receive Common Interest Information under this Agreement.

## CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

### **Employees (By Position)**

Director (formerly Dr. Meredith Williams, currently Katherine Butler, MPH, and any successor thereto)

Chief Deputy Director (currently Craig Scholer, and any successor thereto)

Chief Counsel (formerly Lawrence Hafetz, currently vacant, and any successor thereto)

Deputy Chief Counsel (currently David Sadwick, and any successor thereto)

Assistant Chief Counsel, Enforcement (formerly David Sadwick, currently Colin Kelly, and any successor thereto)

Assistant Chief Counsel, Financial Accountability & Site Mitigation (currently Daphne Lee, and any successor thereto)

Assistant Chief Counsel, Site Mitigation & CVCI (currently Christopher Kane, and any successor thereto)

Deputy Director, Site Mitigation and Restoration Program (formerly Todd Sax, currently Thanne Berg, and any successor thereto)

Deputy Director, Hazardous Waste Management Program (formerly Katherine Butler, currently vacant, and any successor thereto)

Deputy Director, Office of Communications (currently Allison Wescott, and any successor thereto)

Deputy Director, Office of Legislation and Regulatory Review (formerly Diana Peebler, currently Edward L. Moreno, and any successor thereto)

Division Chief, Permitting Division, Hazardous Waste Management Program (currently Wayne Lorentzen, and any successor thereto)

Division Chief, Enforcement & Emergency Response, Hazardous Waste Management Program (currently Maria Soria, and any successor thereto)

Chief Investigator, Office of Criminal Investigations, Hazardous Waste Management Program (currently vacant; individual next appointed and any successor thereto)

Assistant Director, Office of Environmental Equity (currently Surlene G. Grant, and any successor thereto)

Beatris Karaoglanyan, Environmental Program Manager, Enforcement & Emergency Response Division, Hazardous Waste Management Program

Denise Tsuji, Environmental Program Manager, Enforcement & Emergency Response Division, Hazardous Waste Management Program

Nancy McGee, Senior Environmental Scientist Supervisor, Emergency Response, Hazardous Waste Management Program

Dylan Clark, Environmental Program Manager, Office of Criminal Investigations, Hazardous Waste Management Program

Enrique Baeza, Supervising Criminal Investigator II, Office of Criminal Investigations, Hazardous Waste Management Program

Zana Zmily, Senior Environmental Scientist Supervisor, Office of Criminal Investigations, Hazardous Waste Management Program

Patrick P. Hsieh, Senior Environmental Scientist Supervisor, Office of Criminal Investigations, Hazardous Waste Management Program

Erin Neal, Senior Environmental Scientist (Specialist), Office of Criminal Investigations,  
Hazardous Waste Management Program  
Kingsley Odigie, Senior Environmental Scientist (Specialist), Office of Criminal Investigations,  
Hazardous Waste Management Program  
Lori Koch, Senior Hazardous Substance Engineer, Permitting Division, Hazardous Waste  
Management Program  
Gary L. Hammond, Senior Hazardous Substance Engineer, Permitting Division, Hazardous  
Waste Management Program  
William Heung, Supervising Hazardous Substance Engineer, Permitting Division, Hazardous  
Waste Management Program  
Parisa Khosraviani, Hazardous Substance Engineer, Permitting Division, Hazardous Waste  
Management Program  
Rameshwor Kaphle, Senior Hazardous Substance Engineer, Permitting Division, Hazardous  
Waste Management Program  
Elizabeth Leslie-Gassaway, Information Officer Specialist, Office of Communications  
Jennifer Mulhall, Information Officer Specialist, Office of Communications  
Manuel E. Lopez, Staff Services Manager, Office of Environmental Equity  
Elsa Lopez, Public Participation Specialist, Office of Environmental Equity  
Gabby Nepomuceno, Supervising Senior Environmental Scientist, Office of Legislation and  
Regulatory Review  
Seth V. Carver, Associate Governmental Program Analyst, Hazardous Waste  
Management Program  
Kevin Kanooni, Senior Staff Counsel, Office of Legal Counsel  
Johnathon "Hank" Crook, Senior Staff Counsel, Office of Legal Counsel  
Kathleen Chovan, Senior Staff Counsel, Office of Legal Counsel  
Lisa Winebarger, Senior Staff Counsel, Office of Legal Counsel  
Elias Ferran, Senior Staff Counsel, Office of Legal Counsel  
Colin Roberts, Senior Staff Counsel, Office of Legal Counsel  
Jordan R. Gaskins, Senior Staff Counsel, Office of Legal Counsel  
Nima Bhalta, Senior Legal Analyst, Office of Legal Counsel

### **Former Employees**

Dr. Meredith Williams  
Lawrence Hafetz  
Diana Peebler

## **PERSONS AUTHORIZED TO RECEIVE INFORMATION UNDER THE CHIQUITA CANYON COMMON INTEREST AGREEMENT**

The Common Interest Agreement executed by the parties on September 26 and 27, 2023, as well as the Addendum thereto, included a list of persons within each agency to indicate persons, including their designees or persons working under their direction, permitted to obtain the confidential information shared under this Agreement. As provided for in the Agreement, each party is to maintain and update its list of authorized persons as needed and share that list with each agency that is a party to this Agreement upon request.

As of January 14, 2025, County of Los Angeles updates its list of persons, including designees and person working under their direction, permitted to obtain the confidential information shared under this Agreement as follows:

### **COUNTY OF LOS ANGELES**

#### **Office of the County Counsel**

County Counsel (Dawyn Harrison, and any successor thereto)  
Chief Deputy County Counsel (Judy Whitehurst, and any successor thereto)  
Chief Deputy County Counsel (Nicole Tinkham, and any successor thereto)  
Senior Assistant County Counsel (Robert Cartwright, and any successor thereto)  
Assistant County Counsel (Scott Kuhn, and any successor thereto)  
Assistant County Counsel (Michael Simon, and any successor thereto)  
Senior Deputy County Counsel (Dušan Pavlović and any other designated deputy, and successors thereto)  
Deputy County Counsel (Caroline K. Castillo and any other designated deputy, and successors thereto)

#### **Meyers Nave**

Deborah J. Fox, Principal  
Jenny L. Riggs, Principal  
Catherine L. Carlisle, Of Counsel  
Michael L. Huggins, Of Counsel  
Seena M. Samimi, Of Counsel

#### **Department of Regional Planning**

Director (Amy Bodek, and any successor thereto)  
Chief Deputy Director (Dennis Slavin, and any successor thereto)  
Deputy Director (Alex Garcia and any successor thereto)  
Supervising Planner (Steven Jareb and any successor thereto)  
Senior Planner (Ai-Viet Huynh and any successor thereto)

#### **Department of Public Health**

Health Officer (Muntu Davis, and any successor thereto)  
Deputy Director, Health Protection Bureau (Nichole Quick, and any successor thereto)  
Chief Compliance Officer (Robert Ragland, and any successor thereto)



**Department of Public Works**

Director (Mark Pestrella, and any successor thereto)

Assistant Director (Miki Esposito, and any successor thereto)

Deputy Director (Shari Afshari, and any successor thereto)

Assistant Deputy Director (Emiko Thompson, and any successor thereto)

Principal Engineer (Chris Sheppard, and any successor thereto)

Principal Engineer (Genevieve Osmena, and any successor thereto)

Senior Civil Engineer (Dave Nguyen, and any successor thereto)

Associate Civil Engineer (Karlo Manalo, and any successor thereto)

Civil Engineer (Anna Gov, and any successor thereto)

Senior Civil Engineering Assistant (Ramon Herman, and any successor thereto)

Civil Engineering Assistant (Cameron Jones, and any successor thereto)

Updated January 14, 2025

## CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY

### **Office of the County Counsel**

County Counsel (Dawyn Harrison, and any successor thereto)  
Chief Deputy County Counsel (Judy Whitehurst, and any successor thereto)  
Chief Deputy County Counsel (Nicole Tinkham, and any successor thereto)  
Senior Assistant County Counsel (Robert Cartwright, and any successor thereto)  
Assistant County Counsel (Scott Kuhn, and any successor thereto)  
Assistant County Counsel (Michael Simon, and any successor thereto)  
Senior Deputy County Counsel (Dušan Pavlović and any other designated deputy, and successors thereto)  
Senior Deputy County Counsel (Jenny Tam and any other designated deputy, and successors thereto)

### **Los Angeles County Fire Department**

Fire Chief (Antony Marrone, and any successor thereto)  
Chief/Deputy Health Officer, Health Hazardous Materials Division (Mario Tresieras, and any successor thereto)  
Assistant Chief, Health Hazardous Materials Division (Fernando Florez, and any successor thereto)  
Assistant Chief, Health Hazardous Materials Division (Karen Coddington, and any successor thereto)  
Supervising Hazardous Materials Specialist (Fariba Khaledan, and any successor thereto)

## LOCAL ENFORCEMENT AGENCY

### **County Counsel**

Senior Assistant County Counsel (Jennifer Lehman, and any successor thereto)

Assistant County Counsel (Ed Morrissey, and any successor thereto)

Senior Deputy County Counsel (Blaine McPhillips and any other designated deputy, and successors thereto)

Deputy County Counsel (Vanessa Miranda and any other designated deputy, and successors thereto)

### **Solid Waste Management Program**

Environmental Health Director (Liza Frias, and any successor thereto)

Environmental Protection Branch Director (Shikari Nakagawa-Ota, and any successor thereto)

Outside Counsel (Renee E. Jensen and any other successors thereto)

Environmental Health Services Manager (Ken Habaradas and any other successors thereto)

Chief Environmental Health Specialist (Karen Gork and any other successors thereto)

## **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 9**

Enforcement and Compliance Assurance Division (ECAD) Director (currently Amy C. Miller, and any successor thereto)

ECAD Deputy Division Director (currently Jamie Marincola, and any successor thereto)

ECAD Section Managers (currently Roshni Brahmhatt, Rick Sakow, Andrew Sallinger, Beth Aubuchon, and any successors thereto)

ECAD Branch Managers (currently Roberto Rodriguez, Kaoru Morimoto and any successors thereto)

ECAD Senior Policy Advisor (Allison Watanabe, and any successor thereto)

ECAD Inspectors (Scott Connolly, Tyler Holybee, Gem Guzman, John Tinger, Julianna Gomez, Mark Anthony Relon, and any successors thereto)

Regional Counsel (currently Sylvia Quast, and any successor thereto)

Deputy Regional Counsel (currently Ivan Lieben, and any successor thereto)

Regional Counsel Section and Branch Managers (currently Laurie Kermish, Brian Riedel, Andrew Helmlinger, Thomas Butler and any successor thereto)

Assistant Regional Counsels (currently Thanne Berg, John Lyons, Laura Friedli, Catherine Schluter and any successor thereto)

Office of Public Affairs Press Officers (Michael Brogan, Julia Giarmoleo, and any successors thereto)

Superfund and Emergency Management Division (SEMD) Director (currently Mike Montgomery, and any successor thereto)

SEMD Section and Branch Managers (currently Peter Guria, Lynn Keller, Jason Musante, and any successors thereto)

SEMD On Scene Coordinators (currently Ben Castellana, Harry Allen, Celeste McCoy and any successors thereto)

SEMD Investigators (currently Craig Whitenack and any successors thereto)

Community Involvement Coordinators (currently Maanvi Nagireddy, Gavin Pauley, and any successors thereto)

Attachment A:  
Persons Authorized to Receive Information Under the Agreement

OEHHA, CDPH, CEO-OEM, and Cal OES provide the following list of persons within each agency to indicate persons, including their designees or persons working under their direction, permitted to obtain the confidential information shared under this Agreement. The Existing Parties have each previously provided their respective lists of persons authorized to receive information under the Agreement. Each Party shall maintain and update its list of authorized persons.

## OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Director (currently Acting Director is David Edwards, Ph.D., and any successor thereto)

Chief Deputy Director (currently David Edwards, Ph.D., and any successor thereto)

Assistant Deputy Director of Scientific Affairs (currently Kannan Krishnan, Ph.D., and any successor thereto)

Deputy Director of External and Legislative Affairs (currently Amy Gilson, Ph.D., and any successor thereto)

Chief Counsel (currently none appointed, and any successor thereto)

Community and Environmental Epidemiology Research Branch Chief (currently Alvaro Alvarado, Ph.D., and any successor thereto)

Air Toxicology and Risk Assessment Section Chief (currently Rima Woods, Ph.D., and any successor thereto)

Staff Toxicologists (currently Karen Riveles Carrera, Ph.D., MPH, Daryn Dodge, Ph.D., and Rona Silva Ph.D., and any successor thereto)

Environmental Program Manager Supervisor (currently Paula TorradoPlazas, MPH., and any successor thereto)

Attorneys (currently Corey Friedman, J.D., Kristi Morioka, J.D., and Ryan Mahoney, J.D., L.L.M., and any successor thereto)

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Assistant Deputy Director (currently Cyrus Rangan, and any successor thereto)

Assistant Health Officer (currently Rita Nguyen, and any successor thereto)

Chief of Emergency Preparedness Team (currently Carrie Tayour, and any successor thereto)

COUNTY OF LOS ANGELES, OFFICE OF EMERGENCY MANAGEMENT

Director (currently Kevin McGowan, and any successor thereto)



## CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

Director (currently Nancy Ward, and any successor thereto)

Chief Deputy Director – Operations (currently Christina Curry, and any successor thereto)

Chief Deputy Director – Administration & Policy (currently Lisa Ann Mangat, and any successor thereto)

Deputy Director, Response (currently Ian Bastek, and any successor thereto)

Assistant Director, Response South (currently Sherri Sarro, and any successor thereto)

Chief, Fire & Rescue Branch (currently Brian Marshall, and any successor thereto)

Deputy Director of Legislative & Governmental Affairs (currently Bridget Kolakosky, and any successor thereto)

Chief Counsel (currently David J. Neill, and any successor thereto)

Assistant Chief Counsel (currently Carl DeNigris, and any successor thereto)

Attorneys (currently Michael Romero, Sara Puricelli, Daniel Golla, Kelsie Menefee, and Trevor Morris-Seekins, and any successor thereto)

# **Exhibit 2**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:24-cv-10819-MEMF-MAR**

The People of the State of California et al v. Chiquita Canyon,  
LLC et al

Assigned to: Judge Maame Ewusi–Mensah Frimpong

Referred to: Magistrate Judge Margo A. Rocconi

Demand: \$75,000

Lead case: [2:23-cv-08380-MEMF-MAR](#)

Member case: ([View Member Case](#))

Related Case: [2:23-cv-08380-MEMF-MAR](#)

Cause: 28:1332 Diversity–Torts to Land

**Plaintiff**

**The People of the State of California**

*by and through Dawyn R. Harrison,  
County Counsel for the County of Los  
Angeles*

Date Filed: 12/16/2024

Jury Demand: Plaintiff

Nature of Suit: 240 Torts to Land

Jurisdiction: Diversity

represented by **Deborah J Fox**

Meyers Nave

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Los Angeles, CA 90017

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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**County of Los Angeles**

represented by **Deborah J Fox**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Caroline Karabian Castillo**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Catherine L Carlisle**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Cristina L Talley**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Dawyn Renae Harrison**  
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**Dusan Pavlovic**  
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*ATTORNEY TO BE NOTICED*

**Jennifer Lauren Riggs**  
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*ATTORNEY TO BE NOTICED*

**Jon Scott Kuhn**  
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*ATTORNEY TO BE NOTICED*

**Michael Lee Huggins**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Seena Samimi**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Chiquita Canyon, LLC**  
*a Delaware limited liability company*

represented by **Kaitlyn Day Shannon**  
Beveridge and Diamond PC  
1900 N Street, NW, Suite 100  
Washington, DC 20036  
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**Shoshana E. Bannett**  
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Email: [sbannett@birdmarella.com](mailto:sbannett@birdmarella.com)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Chiquita Canyon, Inc.**  
*a Delaware corporation*

represented by **Kaitlyn Day Shannon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Ariel A Neuman**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Grant Rigdon**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Jacob P. Duginski**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**James B. Slaughter**  
(See above for address)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Katelyn E. Ciolino**  
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**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Louis J. Manzo**  
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**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Megan L. Marzec Morgan**  
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**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Paul S. Chan**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Shoshana E Barnett**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Waste Connections US, Inc.**  
*a Delaware corporation*

represented by **Kaitlyn Day Shannon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Ariel A Neuman**

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*ATTORNEY TO BE NOTICED*

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**Paul S. Chan**  
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*ATTORNEY TO BE NOTICED*

**Shoshana E Bannett**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Waste Connections of California, Inc.**

represented by **James B. Slaughter**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Paul S. Chan**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Special Master**

**Daniel Buckley**

Date Filed	#	Docket Text
12/16/2024	<u>1</u>	COMPLAINT Receipt No: ACACDC-38762858 – Fee: \$405, filed by Plaintiffs The People of the State of California, by and through Dawyn R. Harrison, County Counsel for the County of Los Angeles, County of Los Angeles. (Attorney Deborah J Fox added to party The People of the State of California, by and through Dawyn R. Harrison, County Counsel for the County of Los Angeles (pty:pla), Attorney Deborah J Fox added to party County of Los Angeles(pty:pla))(Fox, Deborah) (Entered: 12/16/2024)



12/16/2024	<u>2</u>	CIVIL COVER SHEET filed by Plaintiffs The People of the State of California, by and through Dawyn R. Harrison, County Counsel for the County of Los Angeles, County of Los Angeles. (Fox, Deborah) (Entered: 12/16/2024)
12/16/2024	<u>3</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), <u>1</u> filed by Plaintiffs The People of the State of California, by and through Dawyn R. Harrison, County Counsel for the County of Los Angeles, County of Los Angeles. (Fox, Deborah) (Entered: 12/16/2024)
12/16/2024	<u>4</u>	NOTICE of Interested Parties filed by Plaintiffs The People of the State of California, by and through Dawyn R. Harrison, County Counsel for the County of Los Angeles, County of Los Angeles, identifying The People of the State of California; The County of Los Angeles; Chiquita Canyon, LLC; Chiquita Canyon, Inc.; and Waste Connections US, Inc. (Fox, Deborah) (Entered: 12/16/2024)
12/16/2024	<u>5</u>	NOTICE of Related Case(s) filed by Plaintiffs The People of the State of California, by and through Dawyn R. Harrison, County Counsel for the County of Los Angeles, County of Los Angeles. Related Case(s): 2:23-cv-08380-MEMF-MAR; 2:24-cv-09533-MEMF-MAR; 2:24-cv-10107-MEMF-MAR (Fox, Deborah) (Entered: 12/16/2024)
12/17/2024	<u>6</u>	NOTICE OF ASSIGNMENT to District Judge R. Gary Klausner and Magistrate Judge Patricia Donahue. (lh) (Entered: 12/17/2024)
12/17/2024	<u>7</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (lh) (Entered: 12/17/2024)
12/17/2024	<u>8</u>	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (lh) (Entered: 12/17/2024)
12/17/2024	<u>9</u>	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening), <u>1</u> as to Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. (lh) (Entered: 12/17/2024)
12/24/2024	<u>10</u>	NOTICE of Appearance filed by attorney Kaitlyn Day Shannon on behalf of Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc. (Attorney Kaitlyn Day Shannon added to party Chiquita Canyon, LLC(pty:dft), Attorney Kaitlyn Day Shannon added to party Chiquita Canyon, Inc.(pty:dft), Attorney Kaitlyn Day Shannon added to party Waste Connections US, Inc.(pty:dft))(Shannon, Kaitlyn) (Entered: 12/24/2024)
12/24/2024	<u>11</u>	STIPULATION Extending Time to Answer the complaint as to All Defendants, re Complaint (Attorney Civil Case Opening), <u>1</u> filed by Defendant Chiquita Canyon, LLC, Waste Connections US, Inc., Chiquita Canyon, Inc..(Shannon, Kaitlyn) (Entered: 12/24/2024)
12/26/2024	<u>12</u>	NOTICE TO FILER OF DEFICIENCIES in Electronic Filed Document RE: Notice of Appearance, <u>10</u> . The following error(s) was/were found: Incorrect event selected. Correct event to be used is: Notice of Appearance or Withdrawal of Counsel G-123.. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (ak) (Entered: 12/26/2024)
12/27/2024	<u>13</u>	PROOF OF SERVICE Executed by Plaintiff The People of the State of California, County of Los Angeles, upon Defendant Chiquita Canyon, Inc. served on 12/18/2024, answer due 1/29/2025. Service of the Summons and Complaint were executed upon CHIQUITA CANYON, INC., A DELAWARE CORPORATION in compliance with Federal Rules of Civil Procedure by personal service (Carlisle, Catherine) (Entered: 12/27/2024)
12/27/2024	<u>14</u>	PROOF OF SERVICE Executed by Plaintiff The People of the State of California, County of Los Angeles, upon Defendant Waste Connections US, Inc. served on 12/18/2024, answer due 1/29/2025. Service of the Summons and Complaint were executed upon WASTE CONNECTIONS US, INC., A DELAWARE CORPORATION in compliance with Federal Rules of Civil Procedure by personal service (Carlisle, Catherine) (Entered: 12/27/2024)

12/27/2024	<u>15</u>	PROOF OF SERVICE Executed by Plaintiff The People of the State of California, County of Los Angeles, upon Defendant Chiquita Canyon, LLC served on 12/18/2024, answer due 1/29/2025. Service of the Summons and Complaint were executed upon CHIQUITA CANYON, LLC, A DELAWARE LIMITED LIABILITY COMPANY in compliance with Federal Rules of Civil Procedure by personal service (Carlisle, Catherine) (Entered: 12/27/2024)
01/02/2025	<u>16</u>	ORDER RE TRANSFER PURSUANT to this Court's General Order in the Matter of Assignment of Cases and Duties to the District Judges. Related Case– filed. Related Case No: 2:23–cv–08380 MEMF(MARx). Case transferred from Magistrate Judge Patricia Donahue and Judge R. Gary Klausner to Judge Maame Ewusi–Mensah Frimpong and Magistrate Judge Margo A. Rocconi for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:24–cv–10819 MEMF(MARx). Signed by Judge Maame Ewusi–Mensah Frimpong (rn) (Entered: 01/03/2025)
01/06/2025	<u>17</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Michael Lee Huggins counsel for Plaintiffs The People of the State of California, County of Los Angeles. Adding Michael L. Huggins as counsel of record for the People of the State of California and the County of Los Angeles for the reason indicated in the G–123 Notice. Filed by Plaintiffs the People of the State of California and the County of Los Angeles. (Attorney Michael Lee Huggins added to party The People of the State of California(pty:pla), Attorney Michael Lee Huggins added to party County of Los Angeles(pty:pla))(Huggins, Michael) (Entered: 01/06/2025)
01/07/2025	18	TEXT ONLY ENTRY by Judge Maame Ewusi–Mensah Frimpong: This matter has been assigned to District Judge Maame Ewusi–Mensah Frimpong. The Court refers counsel to the Court's Initial Standing Order found on the Court's website under Judge Frimpong's Procedures and Schedules. Please read the Standing Order carefully. It is the responsibilities of the parties to maintain familiarly with the Standing Order and any future amendments that the Court may issue by periodically checking the Court's website for the operative version of the Standing Order. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 01/07/2025)
01/23/2025	<u>19</u>	APPLICATION of Non–Resident Attorney Megan L. Morgan to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc. (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–38970618) filed by Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc.. (Attachments: # <u>1</u> Proposed Order) (Attorney Paul S. Chan added to party Chiquita Canyon, LLC(pty:dft), Attorney Paul S. Chan added to party Chiquita Canyon, Inc.(pty:dft), Attorney Paul S. Chan added to party Waste Connections US, Inc.(pty:dft)) (Chan, Paul) (Entered: 01/23/2025)
01/24/2025	20	ORDER by Judge Maame Ewusi–Mensah Frimpong: granting <u>19</u> Non–Resident Attorney Megan L. Morgan APPLICATION to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc., designating Paul S. Chan as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (sbou) (Entered: 01/24/2025)
01/27/2025	<u>21</u>	NOTICE of Appearance filed by attorney Jacob Paul Duginski on behalf of Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc. (Attorney Jacob Paul Duginski added to party Chiquita Canyon, LLC(pty:dft), Attorney Jacob Paul Duginski added to party Chiquita Canyon, Inc.(pty:dft), Attorney Jacob Paul Duginski added to party Waste Connections US, Inc.(pty:dft))(Duginski, Jacob) (Entered: 01/27/2025)
01/28/2025	<u>22</u>	Joint STIPULATION for Extension of Time to File Answer to February 19, 2025 re Complaint (Attorney Civil Case Opening), <u>1</u> filed by defendants Chiquita Canyon, Inc.. (Attachments: # <u>1</u> Proposed Order to Further Extend Time for Defendants to Respond to Plaintiffs' Complaint)(Duginski, Jacob) (Entered: 01/28/2025)
01/29/2025	<u>23</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Seena Samimi counsel for Plaintiffs The People of the State of California, County of Los Angeles. Adding Seena Samimi as counsel of record for the People of the State of California and the County of Los Angeles for the reason indicated in the G–123 Notice. Filed by Plaintiffs the People of the State of California and the County of Los Angeles.

		(Attorney Seena Samimi added to party The People of the State of California(pty:pla), Attorney Seena Samimi added to party County of Los Angeles(pty:pla))(Samimi, Seena) (Entered: 01/29/2025)
01/29/2025	<u>24</u>	NOTICE TO FILER OF DEFICIENCIES in Electronic Filed Document RE: Notice of Appearance, <u>21</u> . The following error(s) was/were found: Incorrect event selected. Correct event to be used is: Notice of Appearance or Withdrawal of Counsel G-123.. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (ak) (Entered: 01/29/2025)
01/29/2025	<u>25</u>	ORDER REGARDING JOINT STIPULATION TO FURTHER EXTEND TIME FOR DEFENDANTS TO RESPOND TO PLAINTIFFS' COMPLAINT <u>22</u> by Judge Maame Ewusi-Mensah Frimpong. PURSUANT TO THE STIPULATION, and good cause appearing therefore, the Court hereby Orders that: The Deadline for Defendants to respond to Plaintiffs' Complaint is continued from January 29, 2025 to February 19, 2025. (yl) (Entered: 01/30/2025)
02/19/2025	<u>26</u>	Third STIPULATION for Extension of Time to File Answer to 2/28/2025 filed by Defendant Chiquita Canyon, LLC. (Attachments: # <u>1</u> Proposed Order)(Duginski, Jacob) (Entered: 02/19/2025)
02/20/2025	<u>27</u>	ORDER REGARDING JOINT STIPULATION TO FURTHER EXTEND TIME FOR DEFENDANTS TO RESPOND TO PLAINTIFFS' COMPLAINT <u>26</u> by Judge Maame Ewusi-Mensah Frimpong. PURSUANT TO THE STIPULATION, and good cause appearing therefore, the Court hereby Orders that: The Deadline for Defendants to respond to Plaintiffs' Complaint is continued from February 19, 2025 to February 28, 2025. (yl) (Entered: 02/21/2025)
02/27/2025	<u>28</u>	[STRICKEN AS OF 03/03/2025 <u>34</u> ] APPLICATION of Non-Resident Attorney James B. Slaughter to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc. (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC-39188456) filed by Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc.. (Attachments: # <u>1</u> Proposed Order) (Chan, Paul) Modified on 3/3/2025 (yl). (Entered: 02/27/2025)
02/27/2025	<u>29</u>	PROOF OF SERVICE filed by Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc., of <i>Consolidation Order</i> served on February 26, 2025. (Neuman, Ariel) (Entered: 02/27/2025)
02/27/2025	<u>30</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Ariel A Neuman counsel for Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc.. Adding Ariel A. Neuman as counsel of record for Defendants Chiquita Canyon LLC, Chiquita Canyon, Inc., and Waste Connections US, Inc. for the reason indicated in the G-123 Notice. Filed by Defendants Defendants Chiquita Canyon LLC, Chiquita Canyon, Inc., and Waste Connections US, Inc.. (Attorney Ariel A Neuman added to party Chiquita Canyon, LLC(pty:dft), Attorney Ariel A Neuman added to party Chiquita Canyon, Inc.(pty:dft), Attorney Ariel A Neuman added to party Waste Connections US, Inc.(pty:dft))(Neuman, Ariel) (Entered: 02/27/2025)
02/27/2025	<u>31</u>	OBJECTIONS TO CONSOLIDATION filed by Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc.. (Neuman, Ariel) (Entered: 02/27/2025)
02/27/2025	<u>32</u>	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: APPLICATION of Non-Resident Attorney James B. Slaughter to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc. (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC-39188456) <u>28</u> . The following error(s) was/were found: Local Rule 83-2.1.3.3(d) Attached Certificate of Good Standing not issued within 30 days prior to filing of the application. (sbou) (Entered: 02/27/2025)
02/28/2025	<u>33</u>	NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Complaint filed by Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc.. Motion set for hearing on 5/29/2025 at 10:00 AM before Judge Maame Ewusi-Mensah Frimpong. (Attachments: # <u>1</u> Memorandum in Support of Motion to

		Dismiss, # <u>2</u> Request for Judicial Notice and Consideration of Documents Incorporated by Reference in Support of Motion to Dismiss, # <u>3</u> Exhibit 1 – Documents posted on Chiquita Canyon website, # <u>4</u> Exhibit 2 – USEPA Fact Sheet, # <u>5</u> Exhibit 3 – Permits and Authorizations, # <u>6</u> Exhibit 4 – CalEPA webpage re Chiquita Canyon Landfill, # <u>7</u> Exhibit 5 – L.A. Cnty Dep't of Regional Planning FAQ website, # <u>8</u> Exhibit 6 part 1 – Investigative / Enforcement Orders issued by Regulatory Agencies, # <u>9</u> Exhibit 6 part 2 – Investigative / Enforcement Orders issued by Regulatory Agencies, # <u>10</u> Exhibit 6 part 3 – Investigative / Enforcement Orders issued by Regulatory Agencies, # <u>11</u> Exhibit 6 part 4 – Investigative / Enforcement Orders issued by Regulatory Agencies, # <u>12</u> Exhibit 6 part 5 – Investigative / Enforcement Orders issued by Regulatory Agencies, # <u>13</u> Exhibit 6 part 6 – Investigative / Enforcement Orders issued by Regulatory Agencies, # <u>14</u> Exhibit 6 part 7 – Investigative / Enforcement Orders issued by Regulatory Agencies, # <u>15</u> Exhibit 6 part 8 – Investigative / Enforcement Orders issued by Regulatory Agencies, # <u>16</u> Exhibit 7 – Notice of Violation issued on Aug. 18, 2023, # <u>17</u> Exhibit 8 – Notice granting extension to correct violations, # <u>18</u> Declaration of Sarah Phillips, # <u>19</u> Proposed Order) (Shannon, Kaitlyn) (Entered: 02/28/2025)
03/03/2025	<u>34</u>	RESPONSE BY THE COURT TO NOTICE TO FILER OF DEFICIENCIES IN FILED DOCUMENT regarding APPLICATION of Non-Resident Attorney James B. Slaughter to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc. and Waste Connections US, Inc. ) <u>28</u> by Judge Maame Ewusi-Mensah Frimpong. The document is stricken. (yl) (Entered: 03/03/2025)
03/04/2025	<u>35</u>	RESPONSE filed by Plaintiffs The People of the State of California, County of Los Angeles <i>AND PARTIAL OBJECTION TO CONSOLIDATION ORDER</i> (Carlisle, Catherine) (Entered: 03/04/2025)
03/04/2025	<u>36</u>	MINUTE ORDER IN CHAMBERS Order re Objection to Consolidation [ECF No. 31] by Judge Maame Ewusi-Mensah Frimpong: In the interest of administration of justice and judicial efficiency, the parties are ORDERED to meet and confer and file a joint status report of no more than five (5) pages within fourteen (14) days of this Order. The joint status report shall explain (1) Plaintiffs' response to Defendants' Objection and (2) Defendants' reply to Plaintiffs' response, if any. (see document for further details) (bm) (Entered: 03/05/2025)
03/05/2025	<u>37</u>	Joint STIPULATION for Extension of Time to File Opposition and Reply as to NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Complaint <u>33</u> filed by Plaintiffs, the People of the State of California and the County of Los Angeles The People of the State of California, County of Los Angeles. (Attachments: # <u>1</u> Proposed Order RE: JOINT STIPULATION FOR BRIEFING SCHEDULE ON DEFENDANTS MOTION TO DISMISS)(Carlisle, Catherine) (Entered: 03/05/2025)
03/07/2025	<u>38</u>	APPLICATION of Non-Resident Attorney James B. Slaughter to Appear Pro Hac Vice on behalf of Defendants Waste Connections of California, Inc., Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc. (Pro Hac Vice Fee – \$500.00 Previously Paid on 2/27/2025, Receipt No. 39188456) filed by Defendants Waste Connections of California, Inc., Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc.. (Attachments: # <u>1</u> Proposed Order) (Attorney Paul S. Chan added to party Waste Connections of California, Inc.(pty:dft)) (Chan, Paul) (Entered: 03/07/2025)
03/11/2025	39	ORDER by Judge Maame Ewusi-Mensah Frimpong: granting <u>38</u> Non-Resident Attorney James B. Slaughter APPLICATION to Appear Pro Hac Vice on behalf of Defendants Waste Connections of California, Inc., Chiquita Canyon, LLC, Chiquita Canyon, Inc., Waste Connections US, Inc., designating Paul S. Chan as local counsel. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY (sbou) (Entered: 03/11/2025)
03/18/2025	<u>40</u>	STATUS REPORT ( <i>JOINT</i> ) REGARDING CONSOLIDATION PURSUANT TO THE COURTS MARCH 4, 2025 ORDER RE OBJECTION TO CONSOLIDATION, (ECF NO. 36) filed by Plaintiffs The People of the State of California, County of Los Angeles. (Carlisle, Catherine) (Entered: 03/18/2025)
03/24/2025	<u>41</u>	ORDER RE: JOINT STIPULATION FOR BRIEFING SCHEDULE ON DEFENDANTS' MOTION TO DISMISS <u>37</u> by Judge Maame Ewusi-Mensah Frimpong. The Court, having considered the Parties' Joint Stipulation for Briefing

		Schedule on Defendants' Motion to Dismiss (Dkt. No. <u>33</u> ), and good cause appearing therefor, hereby ORDERS as follows: The deadline for Plaintiffs to file an opposition to the Motion is extended to April 14, 2025, and the deadline for Defendants reply is extended to May 7, 2025. IT IS SO ORDERED. (yl) (Entered: 03/26/2025)
04/03/2025	<u>42</u>	ORDER CONSOLIDATING THE INSTANT CASE Into Consolidated Actions for Discovery Purposes Only by Judge Maame Ewusi–Mensah Frimpong. The Court ORDERS the consolidation of the instant action into the Consolidated Action for discovery purposes only. The Court has recently issued a discovery plan for the Consolidated Actions. The parties are ordered to meet and confer regarding a discovery plan for this action that is consistent with the plan the Court has issued and achieves the efficiencies discussed in this Order. The parties are ORDERED to file a joint proposal regarding a discovery plan (or a joint submission with competing proposals) within fourteen (14) days. IT IS SO ORDERED. (SEE DOCUMENT FOR FURTHER DETAILS) (Made JS–6. Case Terminated.) (yl) (Entered: 04/03/2025)
04/14/2025	<u>43</u>	PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO DISMISS PLAINTIFFS COMPLAINT re: NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Complaint <u>33</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> PLAINTIFFS OBJECTIONS TO DEFENDANTS REQUEST FOR JUDICIAL NOTICE AND CONSIDERATION OF DOCUMENTS INCORPORATED BY REFERENCE IN SUPPORT OF MOTION TO DISMISS, # <u>2</u> PLAINTIFFS EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SARAH PHILLIPS IN SUPPORT OF PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO DISMISS PLAINTIFFS COMPLAINT, # <u>3</u> PLAINTIFFS REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS OPPOSITION TO MOTION TO DISMISS)(Fox, Deborah) (Entered: 04/14/2025)
05/05/2025	<u>44</u>	NOTICE OF CLERICAL ERROR: Due to clerical error regarding docket entry <u>42</u> . The case was inadvertently closed and will be reopened. (yl) (Entered: 05/05/2025)
05/07/2025	<u>45</u>	REPLY IN SUPPORT NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Complaint <u>33</u> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE, # <u>2</u> Exhibit 9 – April ISE Order, # <u>3</u> Exhibit 10 – USEPA Letter re April ISE Order, # <u>4</u> Exhibit 11 – May LEA Order, # <u>5</u> Exhibit 12 – Hearing Board Cases, # <u>6</u> Exhibit 13 – 2025.04.18 Letter to McKinnor Schiavo, # <u>7</u> RESPONSE TO PLAINTIFFS OBJECTIONS TO RJN, # <u>8</u> RESPONSE TO PLAINTIFFS OBJECTIONS TO DECLARATION OF S. PHILLIPS)(Shannon, Kaitlyn) (Entered: 05/07/2025)
05/13/2025	<u>46</u>	ORDER REGARDING APPOINTMENT OF SPECIAL MASTER [ECF NOS. 188, 191] by Judge Maame Ewusi–Mensah Frimpong. Having reviewed and considered the Special Master Affidavit (ECF No. 191), IT IS ORDERED THAT: The Hon. Daniel Buckley (Ret.) is appointed as Special Master in this action pursuant to Rule 53(a) of the Federal Rules of Civil Procedure. The appointment is effective nunc pro tunc as of April 28, 2025, the date the Courts Order Re: Appointment of Special Master was filed. See ECF No. 188. The parties and the Special Master shall comply with all requirements and deadlines set forth in the Court's previous orders. IT IS SO ORDERED. (yl) (Entered: 05/16/2025)
05/19/2025	47	TEXT ONLY ENTRY – NOTICE OF CLERICAL ERROR by Damon Berry, Courtroom Deputy Clerk to Judge Maame Ewusi–Mensah Frimpong: You are hereby notified that due to a clerical error the Order Regarding Appointment of Special Master (ECF No. <u>46</u> ) was issued in error. Please disregard the document. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 05/19/2025)
05/19/2025	<u>48</u>	ORDER RE: APPOINTMENT OF SPECIAL MASTER IN GOVERNMENT CASE by Judge Maame Ewusi–Mensah Frimpong. The parties in the Lead Case and the Government Case are ORDERED to meet and confer and submit a joint report within ten (10) days of the date of this Order regarding: (1) any objections the Governmental Plaintiffs or Defendants have to the appointment of a Special Master to resolve disputes in the Government Case; (2) any objections the Governmental Plaintiffs or Defendants have to the appointment of Hon. Daniel Buckley (Ret.) to resolve disputes

		in the Government Case; and (3) a proposal regarding cost-sharing for the Special Master among all parties in the Lead Case and the Government Case. IT IS SO ORDERED. (SEE DOCUMENT FOR FURTHER DETAILS) (yl) (Entered: 05/19/2025)
05/19/2025	<u>49</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Cristina L Talley counsel for Plaintiffs County of Los Angeles, The People of the State of California. Adding Cristina L. Talley as counsel of record for the People of the State of California and the County of Los Angeles for the reason indicated in the G-123 Notice. Filed by Plaintiffs the People of the State of California and the County of Los Angeles. (Attorney Cristina L Talley added to party County of Los Angeles(pty:pla), Attorney Cristina L Talley added to party The People of the State of California(pty:pla))(Talley, Cristina) (Entered: 05/19/2025)
05/20/2025	<u>50</u>	OBJECTION in opposition re: NOTICE OF MOTION AND MOTION to Dismiss Plaintiffs' Complaint <u>33</u> <i>PLAINTIFFS' OBJECTION TO EXHIBIT 12 OF DEFENDANTS' SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF THEIR MOTION TO DISMISS</i> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Fox, Deborah) (Entered: 05/20/2025)
05/23/2025	<u>51</u>	APPLICATION of Non-Resident Attorney Katelyn E. Ciolino to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC-39774910) filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Proposed Order) (Chan, Paul) (Additional attachment(s) added on 5/27/2025: # <u>2</u> Supplement Deficiency Notice) (aus). (Additional attachment(s) added on 5/27/2025: # <u>3</u> Supplement Deficiency Notice) (aus). (Entered: 05/23/2025)
05/27/2025	<u>52</u>	NOTICE of Deficiency in Electronically Filed Pro Hac Vice Application RE: APPLICATION of Non-Resident Attorney Katelyn E. Ciolino to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC-39774910) <u>51</u> . The following error(s) was/were found: Local Rule 83-2.1.3.3(d) Certificate of Good Standing not attached for every state court listed to which the applicant has been admitted. (aus) (Entered: 05/27/2025)
05/27/2025	<u>53</u>	APPLICATION of Non-Resident Attorney Katelyn E. Ciolino to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. (Pro Hac Vice Fee – \$500.00 Previously Paid on 5/23/2025, Receipt No. ACACDC-39774910) filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Proposed Order) (Chan, Paul) (Entered: 05/27/2025)
05/27/2025	<u>54</u>	JOINT REPORT of PARTIES RE: ORDER RE: APPOINTMENT OF SPECIAL MASTER IN GOVERNMENT CASE [DKT. 48] filed by Plaintiffs County of Los Angeles, The People of the State of California. (Riggs, Jennifer) (Entered: 05/27/2025)
05/27/2025	<u>55</u>	ORDER by Judge Maame Ewusi-Mensah Frimpong: granting <u>53</u> Non-Resident Attorney Katelyn E. Ciolino APPLICATION to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc., designating Paul Chan as local counsel. THERE IS NO PDF ASSOCIATED WITH THIS ENTRY(aus) (Entered: 05/27/2025)
05/29/2025	<u>56</u>	REQUEST for Order for JUDICIAL SITE VISIT IN CONNECTION WITH COUNTYS MOTION FOR A PRELIMINARY INJUNCTION filed by Plaintiffs County of Los Angeles, The People of the State of California. Request set for hearing on 7/17/2025 at 10:00 AM before Judge Maame Ewusi-Mensah Frimpong. (Riggs, Jennifer) (Entered: 05/29/2025)
05/29/2025	<u>57</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Shoshana E Barnett counsel for Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. Adding Shoshana E. Barnett as counsel of record for Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., and Waste Connections US, Inc. for the reason indicated in the G-123 Notice. Filed by Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., and Waste Connections US, Inc.. (Attorney Shoshana E Barnett added to party Chiquita Canyon, Inc.(pty:dft), Attorney Shoshana

		E Bannett added to party Chiquita Canyon, LLC(pty:dft), Attorney Shoshana E Bannett added to party Waste Connections US, Inc.(pty:dft))(Bannett, Shoshana) (Entered: 05/29/2025)
05/29/2025	<u>58</u>	NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening filed by Plaintiffs County of Los Angeles, The People of the State of California. Motion set for hearing on 7/17/2025 at 10:00 AM before Judge Maame Ewusi–Mensah Frimpong. (Attachments: # <u>1</u> Memorandum Of Points And Authorities In Support Of The Countys Motion For A Preliminary Injunction, # <u>2</u> Proposed Order) (Riggs, Jennifer) (Entered: 05/29/2025)
05/29/2025	<u>59</u>	DECLARATION of Steven Howse in support of NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> Declaration Of Stephen D. Perera In Support Of Countys Motion For A Preliminary Injunction, # <u>2</u> Declaration Of John Suggs II In Support Of Countys Motion For A Preliminary Injunction)(Riggs, Jennifer) (Entered: 05/29/2025)
05/29/2025	<u>60</u>	DECLARATION of Health Officer Muntu Davis, MD, MPH, Of The Los Angeles County Department Of Public Health in support of NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> Declaration Of Harold Campbell IV, Ph.D, Chief Data Officer Of The Los Angeles County Department Of Public Health In Support Of Plaintiff County Of Los Angeles Motion For A Preliminary Injunction)(Riggs, Jennifer) (Entered: 05/29/2025)
05/29/2025	<u>61</u>	DECLARATION of Attorney Jenny L. Riggs in support of NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Riggs, Jennifer) (Entered: 05/29/2025)
05/29/2025	<u>62</u>	DECLARATION of Deputy Director Of Waste Permitting, Compliance And Mitigation, Mark Debie, Of The California Department Of Resources Recycling And Recovery in support of NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> Declaration Of Elizabeth Anne Berg, Deputy Director Of Californias Department Of Toxic Substances Control In Support Of Plaintiff County Of Los Angeles Motion For A Preliminary Injunction)(Riggs, Jennifer) (Entered: 05/29/2025)
05/29/2025	<u>63</u>	DECLARATION of Air Quality Analysis & Compliance Supervisor Amanda Sanders Of South Coast Air Quality Management District in support of NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Riggs, Jennifer) (Entered: 05/29/2025)
05/29/2025	<u>64</u>	DECLARATION of Assistant Deputy Director Of Los Angeles County Department Of Regional Planning Alex Garcia In Support Of Plaintiff County Of Los Angeles Motion For A Preliminary Injunction in support of NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Riggs, Jennifer) (Entered: 05/29/2025)
05/29/2025	<u>65</u>	DECLARATION of Of Shikari Nakagawa–Ota, Assistant Director Of Environmental Health For The Los Angeles County Department Of Public Health in support of NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> Declaration Of Shikari Nakagawa–Ota, Assistant Director Of Environmental Health For The Los Angeles County Department Of Public Health In Support Of Plaintiff County Of Los Angeles Motion For A Preliminary Injunction (Part 2 of 2))(Riggs, Jennifer) (Entered: 05/29/2025)
05/29/2025	<u>74</u>	PLAINTIFF'S MOTION TO DISMISS <u>33</u> held before Judge Maame Ewusi–Mensah Frimpong. For the reasons stated on the record, the matter is taken under submission.

		Order to issue. IT IS SO ORDERED. Court Reporter: Courtsmart. (yl) (Entered: 06/10/2025)
05/30/2025	<u>67</u>	ORDER REGARDING DEFENDANTS' MOTION TO DIMISS [ECF NO. <u>33</u> ] AND THE PARTIES' REQUESTS FOR JUDICIAL NOTICE [ECF NOS. 33-2, 43-3, 45-1] by Judge Maame Ewusi-Mensah Frimpong. Defendants' Request for Judicial Notice, ECF 33-2, is GRANTED IN PART, and Defendants' Supplemental Request for Judicial Notice, ECF No. 45-1, is GRANTED IN PART. The Court will take judicial notice of Exhibits 1-A, 1-B, and 1-C but not the facts therein. The Court takes judicial notice of Exhibits 2 through 11 and 13 and the facts therein. The Court will not take judicial notice of Exhibit 12. Plaintiffs' Request for Judicial Notice, ECF No. 43-3, is GRANTED. The Court takes judicial notice of Exhibit A and the facts therein. Defendants' Motion to Dismiss is GRANTED IN PART, and the Court LIMITS any request for relocation subsidies in the Prayer for Relief to temporary relocation only. IT IS SO ORDERED. (SEE DOCUMENT FOR FURTHER DETAILS) (yl) (Entered: 06/02/2025)
05/30/2025	<u>68</u>	ORDER RE: APPOINTMENT OF SPECIAL MASTER IN COUNTY CASE AND COST-SHARING IN ALL ACTIONS [ECF NOS. <u>48</u> , <u>54</u> ] by Judge Maame Ewusi-Mensah Frimpong. Having reviewed and considered the Special Master Affidavit (ECF No. 191) filed in In re Chiquita Canyon Landfill Litigation, Case No. 2:23-cv-08380-MEMF-MAR, and the parties Joint Report Re: Order Re: Appointment of Special Master in this case, ECF No. 54, IT IS ORDERED THAT: The Hon. Daniel Buckley (Ret.) is appointed as Special Master in this action pursuant to Rule 53(a) of the Federal Rules of Civil Procedure. The appointment is effective nunc pro tunc as of April 28, 2025, the date the Court's Order Re: Appointment of Special Master was filed in the Lead Case. The parties and the Special Master shall comply with all requirements and deadlines set forth in the Courts previous orders. The cost for Special Master should be allocated 50% to plaintiffs in All Actions, and 50% to defendants in All Actions. IT IS SO ORDERED. (yl) (Entered: 06/02/2025)
06/02/2025	66	(IN CHAMBERS) ORDER TEXT ONLY ENTRY by Judge Maame Ewusi-Mensah Frimpong: The Court is in receipt of Plaintiffs' Request for Order for Judicial Site Visit in Connection with County's Motion for a Preliminary Injunction filed by the County in the County Action. ECF No. <u>56</u> . The Court ORDERS Defendants to respond to the Request by Wednesday, June 4, 2025. The Court also ORDERS Plaintiffs in the Lead Action to state their position on the Request by Wednesday, June 4, 2025. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 06/02/2025)
06/03/2025	69	(IN CHAMBERS) ORDER by Judge Maame Ewusi-Mensah Frimpong: APPLICATION of Non-Resident Attorney Katelyn E. Ciolino to Appear Pro Hac Vice DENIED as MOOT. IT IS SO ORDERED. THERE IS NO PDF ATTACHMENT. (dbe) (Entered: 06/03/2025)
06/04/2025	<u>70</u>	RESPONSE filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.to REQUEST for Order for JUDICIAL SITE VISIT IN CONNECTION WITH COUNTYS MOTION FOR A PRELIMINARY INJUNCTION <u>56</u> (Shannon, Kaitlyn) (Entered: 06/04/2025)
06/04/2025	<u>71</u>	EX PARTE APPLICATION to Expedite DISCOVERY; CONTINUE PRELIMINARY INJUNCTION HEARING; AND CONTINUE DEFENDANTS RESPONSE DEADLINE filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Exhibit A to Defendants Ex Parte Application To Expedite Discovery; Continue Preliminary Injunction Hearing; And Continue Defendants Response Deadline, # <u>2</u> Declaration of Ariel Neuman, # <u>3</u> Exhibit 1 to Neuman Declaration, # <u>4</u> Exhibit 2 to Neuman Declaration, # <u>5</u> Exhibit 3 to Neuman Declaration, # <u>6</u> Proposed Order) (Chan, Paul) (Entered: 06/04/2025)
06/05/2025	72	(IN CHAMBERS) ORDER TEXT ONLY ENTRY by Judge Maame Ewusi-Mensah Frimpong: The Court is in receipt of Defendants' Ex Parte Application to Expedite Discovery, Continue Preliminary Injunction Hearing, and Continue Defendants Response Deadline. ECF No. <u>71</u> . Plaintiffs are ORDERED to file their response to the Ex Parte Application by 5 p.m., June 6, 2025. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY



		ENTRY (Entered: 06/05/2025)
06/06/2025	<u>73</u>	OPPOSITION to EX PARTE APPLICATION to Expedite DISCOVERY; CONTINUE PRELIMINARY INJUNCTION HEARING; AND CONTINUE DEFENDANTS RESPONSE DEADLINE <u>71</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> Declaration of Attorney Deborah J. Fox in support of Plaintiff County of Los Angeles Opposition to Defendants Ex Parte Application [ECF NO. 71])(Fox, Deborah) (Entered: 06/06/2025)
06/10/2025	<u>75</u>	(IN CHAMBERS) ORDER DENYING Ex Parte Application [ECF No. <u>71</u> ] by Judge Maame Ewusi–Mensah Frimpong. For the foregoing reasons, the Court DENIES the Ex Parte Application. IT IS SO ORDERED. (SEE DOCUMENT FOR FURTHER DETAILS) (yl) (Entered: 06/10/2025)
06/10/2025	<u>76</u>	The Court is in receipt of the Request for Judicial Site Visit in Connection with Countys Motion for a Preliminary Injunction filed by Plaintiffs in The People of the State of California et al v. Chiquita Canyon, LLC et al, Case No. 2:24-cv-10819-MEMF-MAR (County Case). County Case, ECF No. 56 (Site Visit Request). The Court is also in receipt of Defendants Response to the Site Visit Request, County Case, ECF No. 70, and the Response to the Site Visit Request filed by Plaintiffs in In re Chiquita Canyon Landfill Litigation, Case No. 2:23-cv-08380-MEMF-MAR (Lead Case), Lead Case, ECF No. 211. The Court GRANTS the Site Visit Request and ORDERS the parties, including the Lead Case Plaintiffs, to meet and confer and file a joint report regarding proposed site visit dates and related logistics by no later than June 16, 2025. (sce) TEXT ONLY ENTRY (Entered: 06/10/2025)
06/10/2025	<u>77</u>	TRANSCRIPT ORDER as to plaintiff County of Los Angeles, The People of the State of California for Court Smart (CS). Court will contact Gabrielle Duran at gduran@meyersnave.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the transcription company. (Fox, Deborah) (Entered: 06/10/2025)
06/11/2025	<u>78</u>	TRANSCRIPT for proceedings held on 5–29–25 at 10:05 A.M.. Court Reporter/Electronic Court Recorder: JAMS CERTIFIED TRANSCRIPTION, phone number (661)609–4528. The Transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACERnotice of Intent to Redact due within 7 days of this date. Redaction Request due 7/2/2025. Redacted Transcript Deadline set for 7/14/2025. Release of Transcript Restriction set for 9/9/2025. (ss) (Entered: 06/11/2025)
06/11/2025	<u>79</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings 5–29–2025 at 10:05 A.M. re Transcript <u>78</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ss) TEXT ONLY ENTRY (Entered: 06/11/2025)
06/12/2025	<u>80</u>	STATUS REPORT <i>Joint Status Report re: Initial Preliminary Injunction Hearing</i> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Fox, Deborah) (Entered: 06/12/2025)
06/12/2025	<u>81</u>	Joint STIPULATION Extending Time to Answer the complaint as to Chiquita Canyon, LLC answer now due 6/27/2025; Waste Connections US, Inc. answer now due 6/27/2025; Chiquita Canyon, Inc. answer now due 6/27/2025, re Complaint (Attorney Civil Case Opening), <u>1</u> filed by Defendants Chiquita Canyon, LLC; Waste Connections US, Inc.; Chiquita Canyon, Inc.. (Attachments: # <u>1</u> Proposed Order)(Shannon, Kaitlyn) (Entered: 06/12/2025)
06/12/2025	<u>82</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc., Waste Connections of California, Inc.. (Attachments: # <u>1</u> Declaration of Jennifer Pitts with Exhibits, # <u>2</u> Declaration of Patrick Passarella, # <u>3</u> Declaration of Kaitlyn Shannon with Exhibits, # <u>4</u> Declaration of Richard Pleus with Exhibits, # <u>5</u> Declaration if Craig Benson with Exhibits, # <u>6</u> Declaration of Patrick Sullivan with Exhibits, # <u>7</u> Declaration of Steve Cassulo with Exhibits, # <u>8</u> Declaration of M. Laurentius Marais, Ph.D. with Exhibits, # <u>9</u> Defendants' Evidentiary Objections in Opposition to Motion for Preliminary Injunction)(Chan, Paul) (Entered: 06/12/2025)

		06/12/2025)
06/12/2025	<u>83</u>	DECLARATION of Angela Perez, Ph.D. in support of Opposition to Plaintiffs' Motion For Preliminary Injunction NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Exhibit 1–5, # <u>2</u> Exhibit 6–11, # <u>3</u> Exhibit 12, Part 1 of 2, # <u>4</u> Exhibit 12, Part 2 of 2, # <u>5</u> Exhibit 13, # <u>6</u> Exhibit 14, Part 1 of 2, # <u>7</u> Exhibit 14, Part 2 of 2, # <u>8</u> Exhibit 15, # <u>9</u> Exhibit 16, Part 1 of 2, # <u>10</u> Exhibit 16, Part 2 of 2, # <u>11</u> Exhibit 17–18, # <u>12</u> Exhibit 19, Part 1 of 2, # <u>13</u> Exhibit 19, Part 2 of 2, # <u>14</u> Exhibit 20)(Chan, Paul) (Entered: 06/12/2025)
06/12/2025	<u>84</u>	REQUEST FOR JUDICIAL NOTICE re NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> <i>Defendants' Request for Judicial Notice and Consideration of Documents in support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction</i> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Chan, Paul) (Entered: 06/12/2025)
06/16/2025	<u>85</u>	STATUS REPORT <i>JOINT STATUS REPORT RE JUDICIAL SITE VISIT</i> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Riggs, Jennifer) (Entered: 06/16/2025)
06/16/2025	<u>86</u>	STIPULATION for Protective Order filed by Plaintiffs County of Los Angeles, The People of the State of California.(Riggs, Jennifer) (Entered: 06/16/2025)
06/20/2025	<u>87</u>	REPLY IN SUPPORT OF NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> COUNTY PLAINTIFFS EVIDENTIARY OBJECTIONS TO DEFENDANTS EVIDENCE IN SUPPORT OF OPPOSITION TO MOTION FOR A PRELIMINARY INJUNCTION, # <u>2</u> COUNTY PLAINTIFFS RESPONSE TO DEFENDANTS EVIDENTIARY OBJECTIONS FILED IN OPPOSITION TO PLAINTIFFS MOTION FOR A PRELIMINARY INJUNCTION)(Fox, Deborah) (Entered: 06/20/2025)
06/23/2025	<u>88</u>	<b>SEALED</b> MINUTE ORDER SEALED (lom) (Entered: 06/23/2025)
06/25/2025	<u>89</u>	NOTICE OF ERRATA filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. correcting MEMORANDUM in Opposition to Motion,,, <u>82</u> (Attachments: # <u>1</u> Exhibit 1 – Declaration of M. Laurentius Marais, Ph.D.)(Chan, Paul) (Entered: 06/25/2025)
06/25/2025	<u>90</u>	APPLICATION of Non–Resident Attorney Megan R. Brillault to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–39975906) filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Proposed Order) (Chan, Paul) (Entered: 06/25/2025)
06/26/2025	91	ORDER by Judge Maame Ewusi–Mensah Frimpong: granting <u>90</u> Non–Resident Attorney Megan R. Brillault APPLICATION to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc., designating Paul Chan as local counsel. THERE IS NO PDF ASSOCIATED WITH THIS ENTRY(aus) (Entered: 06/26/2025)
06/26/2025	<u>92</u>	EX PARTE APPLICATION for Leave to file Sur–Reply and Response to Evidentiary Objections filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Declaration of Shoshana E. Barnett, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Proposed Order) (Chan, Paul) (Entered: 06/26/2025)
06/27/2025	<u>93</u>	STATUS REPORT ( <i>Joint</i> ) <i>Re: Preliminary Injunction Hearing Dates</i> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Chan, Paul) (Entered: 06/27/2025)

06/27/2025	<u>94</u>	ANSWER to Complaint (Attorney Civil Case Opening), <u>1</u> and Affirmative Defenses filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc..(Chan, Paul) (Entered: 06/27/2025)
06/30/2025	<u>95</u>	Notice OF REQUEST TO CROSS–EXAMINE DEFENDANTS' WITNESSES PURSUANT TO LOCAL RULE 7.8 filed by Plaintiffs County of Los Angeles, The People of the State of California. (Fox, Deborah) (Entered: 06/30/2025)
06/30/2025	<u>96</u>	SEALED DOCUMENT <i>JOINT STATEMENT RE JUDICIAL SITE VISIT PROTOCOL FILED UNDER SEAL PURUANT TO ORDER OF THE COURT AND EMAIL SENT BY CHAMBERS, BOTH DATED JUNE 23, 2025 AND CERTIFICATE OF SERVICE</i> re Minutes of In Chambers Order/Directive – no proceeding held <u>88</u> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Chan, Paul) (Entered: 06/30/2025)
06/30/2025	<u>97</u>	PROTECTIVE ORDER by Magistrate Judge Margo A. Rocconi. (vam) (Entered: 06/30/2025)
06/30/2025	<u>98</u>	Notice filed by Defendant Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. <i>DEFENDANTS NOTICE OF REQUEST TO CROSS–EXAMINE PLAINTIFFS DECLARANTS PURSUANT TO LOCAL RULE 7–8</i> (Chan, Paul) (Entered: 06/30/2025)
06/30/2025	<u>99</u>	NOTICE OF MOTION AND First MOTION IN LIMINE to Exclude NON–EXPERT EVIDENCE REGARDING PURPORTED ETLF EVENT EXPANSION filed by Defendant Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. Motion set for hearing on 8/14/2025 at 10:00 AM before Judge Maame Ewusi–Mensah Frimpong. (Attachments: # <u>1</u> Declaration OF SHOSHANA E. BANNETT IN SUPPORT OF DEFENDANTS MOTION TO EXCLUDE NON–EXPERT EVIDENCE REGARDING PURPORTED ETLF EVENT EXPANSION, # <u>2</u> Proposed Order [PROPOSED] ORDER GRANTING DEFENDANTS MOTION TO EXCLUDE NON–EXPERT EVIDENCE REGARDING PURPORTED ETLF EVENT EXPANSION [ECF NO. 99])(Chan, Paul) (Entered: 06/30/2025)
06/30/2025	<u>100</u>	NOTICE OF MOTION AND MOTION to Exclude EXPERT OPINIONS OF HAROLD CAMPBELL, DEPARTMENT OF PUBLIC HEALTH SURVEY, AND AQMD COMPLAINT MAPS filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. Motion set for hearing on 8/14/2025 at 10:00 AM before Judge Maame Ewusi–Mensah Frimpong. (Attachments: # <u>1</u> Declaration of Shoshana E. Barnett, # <u>2</u> Proposed Order) (Neuman, Ariel) (Entered: 06/30/2025)
06/30/2025	<u>101</u>	EX PARTE APPLICATION to Shorten Time for Hearing on re NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> to July 17, 2025 filed by Defendant Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Declaration OF SHOSHANA E. BANNETT IN SUPPORT OF DEFENDANTS EX PARTE APPLICATION TO SHORTEN TIME FOR RULE 702 MOTIONS, # <u>2</u> Proposed Order GRANTING DEFENDANTS EX PARTE APPLICATION TO SHORTEN TIME FOR MOTIONS TO EXCLUDE EXPERT OPINION AND SURVEY [ECF NO. 101] (Chan, Paul) (Entered: 06/30/2025)
07/01/2025	<u>102</u>	OPPOSITION re: EX PARTE APPLICATION for Leave to file Sur–Reply and Response to Evidentiary Objections <u>92</u> ( <i>COUNTY PLAINTIFFS OPPOSITION TO DEFENDANTS EX PARTE APPLICATION FOR LEAVE TO FILE SUR–REPLY AND FILE A RESPONSE TO COUNTY PLAINTIFFS EVIDENTIARY OBJECTIONS</i> ) filed by Plaintiffs County of Los Angeles, The People of the State of California. (Carlisle, Catherine) (Entered: 07/01/2025)
07/01/2025	<u>103</u>	STATUS REPORT ( <i>Supplemental Joint</i> ) filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Chan, Paul) (Entered: 07/01/2025)
07/02/2025	<u>104</u>	APPLICATION of Non–Resident Attorney Louis J. Manzo to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. (Pro Hac Vice Fee – \$500 Fee Paid, Receipt No. ACACDC–40019175) filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon,

		LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Proposed Order) (Chan, Paul) (Entered: 07/02/2025)
07/02/2025	<u>105</u>	(IN CHAMBERS) ORDER TEXT ONLY ENTRY by Judge Maame Ewusi–Mensah Frimpong: The Court is in receipt of the parties' Joint Status Report re: Preliminary Injunction Hearing Dates. ECF No. <u>93</u> . The parties request the Court schedule the preliminary injunction evidentiary hearing for the Preliminary Injunction Motion on July 14 and 15, 2025. Id. Finding good cause therefor, the Court GRANTS the request and will schedule the evidentiary hearing on July 14 and 15, 2025, starting at 8:00 a.m. each day. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 07/02/2025)
07/03/2025	<u>106</u>	ORDER by Judge Maame Ewusi–Mensah Frimpong: granting <u>104</u> Non–Resident Attorney Louis J. Manzo APPLICATION to Appear Pro Hac Vice on behalf of Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc., designating Paul Chan as local counsel. THERE IS NO PDF ASSOCIATED WITH THIS ENTRY(aus) (Entered: 07/03/2025)
07/03/2025	<u>107</u>	OPPOSITION in opposition re: EX PARTE APPLICATION to Shorten Time for Hearing on re NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> to July 17, 2025 <u>101</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> Declaration of Attorney Cristina L. Talley In Support of Opposition to Ex Parte Application to Shorten Time for Rule 702 Motions)(Talley, Cristina) (Entered: 07/03/2025)
07/03/2025	<u>108</u>	OBJECTIONS to Notice (Other) <u>98</u> <i>County Plaintiffs' Objection to the Cross–Examination of Elizabeth Anne Berg, and in the Alternative, a Request for Remote Testimony</i> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Samimi, Seena) (Entered: 07/03/2025)
07/03/2025	<u>109</u>	NOTICE TO FILER OF DEFICIENCIES in Electronic Filed Document regarding: NOTICE OF REQUEST TO CROSS–EXAMINE PLAINTIFFS' DECLARANTS PURSUANT TO LOCAL RULE 7–8 <u>98</u> . The following errors was found: Proposed orders shall not have counsel's name, address, and phone number in upper, left corner. Please refer to the Judge's Procedure page at <a href="http://www.cacd.uscourts.gov/honorable–maame–ewusi–mensah–frimpong">http://www.cacd.uscourts.gov/honorable–maame–ewusi–mensah–frimpong</a> to review the Proposed Order Sample. A new proposed order must be re–submitted in accordance with the Judge's posted sample. (yl) (Entered: 07/03/2025)
07/07/2025	<u>110</u>	NOTICE OF ERRATA filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. correcting MEMORANDUM in Opposition to Motion,,, <u>82</u> <i>NOTICE OF ERRATA RE DECLARATION OF RICHARD PLEUS, PH.D., M.S.</i> (Chan, Paul) (Entered: 07/07/2025)
07/07/2025	<u>111</u>	(IN CHAMBERS) ORDER TEXT ONLY ENTRY by Judge Maame Ewusi–Mensah Frimpong: The Court is in receipt of Defendants' Request to Cross–Examine Plaintiffs' Declarants Pursuant to Local Rule 7–8. ECF No. <u>98</u> (requesting, in the alternative, deposition of Elizabeth Anne Berg). The Court is also in receipt of Plaintiffs Objection to the Cross–Examination of Elizabeth Anne Berg. ECF No. <u>108</u> (requesting, in the alternative, virtual cross–examination of Elizabeth Anne Berg). Because there is no objection to the cross–examination of the other declarants, the Court GRANTS the Request as to all declarants except Elizabeth Anne Berg. With respect to Elizabeth Anne Berg, the Court understands from the Objection that Plaintiffs do not object to her testifying, but have not succeeded in securing her physical appearance for July 14–15. Accordingly, the Court ORDERS the parties to continue to meet and confer regarding this issue, including the deposition or virtual alternatives, and submit a status report by no later than 5:00 pm, July 9, 2025. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 07/07/2025)
07/07/2025	<u>112</u>	MINUTES (IN CHAMBERS) Order GRANTING IN PART and DENYING IN PART Defendants' Ex Parte Application for Leave to File Sur–Reply and Response to Evidentiary Objections [ECF No. <u>92</u> ] by Judge Maame Ewusi–Mensah Frimpong: For the reasons below, the Court GRANTS IN PART and DENIES IN PART the Ex Parte Application. See document for details. (es) (Entered: 07/07/2025)

07/07/2025	<u>113</u>	DECLARATION of Patrick Sullivan In Support of the Opposition NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Shannon, Kaitlyn) (Entered: 07/07/2025)
07/07/2025	<u>114</u>	DECLARATION of Steven J. Cassulo In Support of the Opposition to NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Shannon, Kaitlyn) (Entered: 07/07/2025)
07/07/2025	<u>115</u>	APPLICATION to file document <i>APPLICATION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF SUPPLEMENTAL DECLARATION OF M. LAURENTIUS MARAIS, PH.D.</i> under seal filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Redacted Document [REDACTED] SUPPLEMENTAL DECLARATION OF M. LAURENTIUS MARAIS, PH.D., # <u>2</u> Proposed Order [PROPOSED] ORDER GRANTING APPLICATION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF SUPPLEMENTAL DECLARATION OF LAURENTIUS MARAIS, PH.D.)(Chan, Paul) (Entered: 07/07/2025)
07/07/2025	<u>116</u>	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>APPLICATION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF SUPPLEMENTAL DECLARATION OF M. LAURENTIUS MARAIS, PH.D.</i> under seal <u>115</u> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Unredacted Document [SEALED] SUPPLEMENTAL DECLARATION OF M. LAURENTIUS MARAIS, PH.D.)(Chan, Paul) (Entered: 07/07/2025)
07/07/2025	<u>119</u>	IN CHAMBERS ORDER by Judge Maame Ewusi–Mensah Frimpong: ORDER DENYING Ex Parte Application to Shorten Time for Rule 702 Motions <u>101</u> and Motions in Limine <u>99</u> , <u>100</u> (SEE DOCUMENT FOR SPECIFICS). (lc) (Entered: 07/09/2025)
07/09/2025	<u>117</u>	JOINT STATUS REPORT of PARTIES RE: TESTIMONY OF ELIZABETH ANNE BERG, AND REQUEST FOR REMOTE TESTIMONY AT EVIDENTIARY HEARINGS filed by Plaintiffs County of Los Angeles, The People of the State of California. (Samimi, Seena) (Entered: 07/09/2025)
07/09/2025	<u>118</u>	STATEMENT UPDATED JOINT STATEMENT RE JUDICIAL SITE VISIT PROTOCOL filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. re: Text Only Scheduling Notice,, 66 . (Attachments: # <u>1</u> Exhibit Attachment A to Site Visit Protocol (Factual Script), # <u>2</u> Exhibit Attachment B to Site Visit Protocol (Fire Dept. Waiver), # <u>3</u> Exhibit Attachment C to Site Visit Protocol (Map Route))(Chan, Paul) (Entered: 07/09/2025)
07/09/2025	<u>120</u>	ORDER DENYING APPLICATION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF SUPPLEMENTAL DECLARATION OF LAURENTIUS MARAIS, PH.D. <u>115</u> by Judge Maame Ewusi–Mensah Frimpong. (lc) (Entered: 07/09/2025)
07/10/2025	<u>121</u>	DECLARATION of M. Laurentius Marais, Ph.D. re MEMORANDUM in Opposition to Motion,,, <u>82</u> ( <i>Amended Supplemental</i> ) filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Chan, Paul) (Entered: 07/10/2025)
07/10/2025	<u>122</u>	REPORT of DEFENDANTS SUPPLEMENTAL STATUS REPORT RE: PRELIMINARY INJUNCTION HEARING filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Chan, Paul) (Entered: 07/10/2025)
07/10/2025	<u>123</u>	NOTICE of Appearance filed by attorney Grant Rigdon on behalf of Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. (Attorney Grant Rigdon added to party Chiquita Canyon, Inc.(pty:dft), Attorney Grant Rigdon added to party Chiquita Canyon, LLC(pty:dft), Attorney Grant Rigdon added to party Waste Connections US, Inc.(pty:dft))(Rigdon, Grant) (Entered: 07/10/2025)

07/10/2025	<u>124</u>	Notice OF WITHDRAWAL OF FOUR PRIOR REQUESTS TO CROSS-EXAMINE DECLARANTS UNDER LR 7-8 filed by Plaintiffs County of Los Angeles, The People of the State of California. (Riggs, Jennifer) (Entered: 07/10/2025)
07/11/2025	<u>125</u>	(IN CHAMBERS) ORDER TEXT ONLY ENTRY by Judge Maame Ewusi-Mensah Frimpong: The Court is in receipt of the parties' Joint Status Report Re: Testimony of Elizabeth Anne Berg and Request for Remote Testimony at Evidentiary Hearing. ECF No. <u>117</u> . The parties request Ms. Berg be permitted to testify virtually. The Court GRANTS the request and permits Ms. Berg to appear via Zoom at the hearing, subject to the following requirements: the parties must represent that the remote witness (1) will have access to reliable audiovisual equipment, (2) will test the equipment and connection with a court reporter at the producing party's own expense and have the court reporter confirm that the audio is sufficient for transcription purposes, and (3) will have an IT professional available to help on-site with any technical issues the day of the testimony. The Zoom link is found on the Courts website: <a href="https://www.cacd.uscourts.gov/honorable-maame-ewusi-mensah-frimpong">https://www.cacd.uscourts.gov/honorable-maame-ewusi-mensah-frimpong</a> . Prior to the hearing, the parties must consult the "Guidelines for Zoom Courtroom Proceedings" found on the Courts website. Failure to comply with the Guidelines may result in future requests for Zoom appearances being denied. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 07/11/2025)
07/11/2025	<u>126</u>	OBJECTIONS <i>County Plaintiffs' Objections to Evidence Proffered by Defendants After the Completion of Briefing on County Plaintiffs' Motion for Preliminary Injunction</i> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Talley, Cristina) (Entered: 07/11/2025)
07/11/2025	<u>127</u>	(IN CHAMBERS) ORDER TEXT ONLY ENTRY by Judge Maame Ewusi-Mensah Frimpong: The Court is in receipt of Defendants' Supplemental Status Report Re: Preliminary Injunction Hearing. ECF No. <u>122</u> . Defendants request one to two nonparty community declarants be permitted to testify virtually. The Court GRANTS the request and permits the nonparty community declarants to appear via Zoom at the hearing, subject to the following requirements. The parties must represent that the remote witnesses (1) will have access to reliable audiovisual equipment, (2) will test the equipment and connection with a court reporter at the producing party's own expense and have the court reporter confirm that the audio is sufficient for transcription purposes, and (3) will have an IT professional available to help on-site with any technical issues the day of the testimony. The Zoom link is found on the Courts website: <a href="https://www.cacd.uscourts.gov/honorable-maame-ewusi-mensah-frimpong">https://www.cacd.uscourts.gov/honorable-maame-ewusi-mensah-frimpong</a> . Prior to the hearing, the parties must consult the "Guidelines for Zoom Courtroom Proceedings" found on the Courts website. Failure to comply with the Guidelines may result in future requests for Zoom appearances being denied. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (dbe) TEXT ONLY ENTRY (Entered: 07/11/2025)
07/11/2025	<u>128</u>	RESPONSE filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. to Objection, <u>126</u> <i>Defendants' Response to County Plaintiffs' Objections to Evidence Proffered by Defendants</i> (Shannon, Kaitlyn) (Entered: 07/11/2025)
07/13/2025	<u>129</u>	JOINT PRELIMINARY INJUNCTION EXHIBIT LIST filed by Plaintiffs County of Los Angeles, The People of the State of California (Riggs, Jennifer) (Entered: 07/13/2025)
07/14/2025	<u>130</u>	Notice OF WITHDRAWAL OF PRIOR REQUEST TO CROSS-EXAMINE DECLARANT M. LAURENTIUS MARAIS, PhD UNDER LR 7-8 filed by Plaintiffs County of Los Angeles, The People of the State of California. (Fox, Deborah) (Entered: 07/14/2025)
07/14/2025	<u>131</u>	Witness List filed by all Parties Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc... (Shannon, Kaitlyn) (Entered: 07/14/2025)
07/14/2025	<u>144</u>	MINUTE ORDER OF EVIDENTIARY HEARING-DAY ONE held before Judge Maame Ewusi-Mensah Frimpong. Witnesses called, sworn, and testified. The matter is continued to July 15, 2025, at 8:00 a.m. IT IS SO ORDERED. Court Reporter: Courtsmart. (yl) (Entered: 07/23/2025)

07/15/2025	<u>132</u>	FIRST AMENDED JOINT PRELIMINARY INJUNCTION EXHIBIT LIST filed by Plaintiffs County of Los Angeles, The People of the State of California (Samimi, Seena) (Entered: 07/15/2025)
07/15/2025	<u>133</u>	Witness List filed by all Parties Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc... (Shannon, Kaitlyn) (Entered: 07/15/2025)
07/15/2025	<u>134</u>	TRANSCRIPT ORDER as to Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. for Court Smart (CS). Court will contact Karen Minutelli at kminutelli@birdmarella.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the transcription company. (Bannett, Shoshana) (Entered: 07/15/2025)
07/15/2025	<u>135</u>	STIPULATION for Admissions of Exhibits Related to County Plaintiffs Preliminary Injunction Motion filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> Proposed Order Re: Admission of Exhibits Related to County Plaintiffs Preliminary Injunction Motion Pursuant to Stipulation)(Samimi, Seena) (Entered: 07/15/2025)
07/15/2025	<u>136</u>	FINAL JOINT PRELIMINARY INJUNCTION EXHIBIT LIST filed by Plaintiffs County of Los Angeles, The People of the State of California (Samimi, Seena) (Entered: 07/15/2025)
07/15/2025	<u>145</u>	MINUTE ORDER OF EVIDENTIARY HEARING held before Judge Maame Ewusi–Mensah Frimpong. Witnesses called, sworn, and testified. Exhibits identified and admitted. For the reasons stated on the record, the matter is taken under submission. Order to issue. IT IS SO ORDERED. Court Reporter: Courtsmart. (yl) (Entered: 07/23/2025)
07/17/2025	<u>146</u>	MOTION FOR PRELIMINARY INJUNCTION RE RELIEF FUND FOR TEMPOARY RELOCATION AND HOME HARDENING <u>58</u> held before Judge Maame Ewusi–Mensah Frimpong. For the reasons stated on the record, the matter is taken under submission. Order to issue. IT IS SO ORDERED. Court Reporter: Courtsmart. (yl) (Entered: 07/28/2025)
07/18/2025	<u>137</u>	TRANSCRIPT ORDER as to Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. for Court Smart (CS). Court will contact Karen Minutelli at kminutelli@birdmarella.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the transcription company. (Bannett, Shoshana) (Entered: 07/18/2025)
07/18/2025	<u>138</u>	TRANSCRIPT ORDER as to Plaintiffs County of Los Angeles, The People of the State of California for Court Smart (CS). Court will contact Lynette Castro at lcastro@meyersnave.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the transcription company. (Riggs, Jennifer) (Entered: 07/18/2025)
07/21/2025	<u>139</u>	TRANSCRIPT for proceedings held on 07/14/2025. Electronic Court Recorder: JAMS CERTIFIED TRANSCRIPTION, phone number (661) 609–4528. Transcript may be viewed at the court public terminal or purchased through the Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 8/11/2025. Redacted Transcript Deadline set for 8/21/2025. Release of Transcript Restriction set for 10/20/2025. (yja) (Entered: 07/21/2025)
07/21/2025	<u>140</u>	TRANSCRIPT for proceedings held on 07/15/2025. Electronic Court Recorder: JAMS CERTIFIED TRANSCRIPTION, phone number (661) 609–4528. Transcript may be viewed at the court public terminal or purchased through the Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 8/11/2025. Redacted Transcript Deadline set for 8/21/2025. Release of Transcript Restriction set for 10/20/2025. (yja) (Entered: 07/21/2025)
07/21/2025	141	NOTICE OF FILING TRANSCRIPT filed for proceedings 7/14/2025 and 7/15/2025 re Transcript <u>139</u> , <u>140</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (yja) TEXT ONLY ENTRY (Entered: 07/21/2025)

07/21/2025	<u>142</u>	TRANSCRIPT for proceedings held on 7/17/25 8:05 a.m.. Court Reporter/Electronic Court Recorder: ECHO REPORTING, INC., phone number (858) 453-7590. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 8/11/2025. Redacted Transcript Deadline set for 8/21/2025. Release of Transcript Restriction set for 10/20/2025. (ha) (Entered: 07/21/2025)
07/21/2025	143	NOTICE OF FILING TRANSCRIPT filed for proceedings 7/17/25 8:05 A.M. re Transcript <u>142</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ha) TEXT ONLY ENTRY (Entered: 07/21/2025)
07/28/2025	<u>150</u>	ORDER RE: ADMISSION OF EXHIBITS RELATED TO COUNTY PLAINTIFFS' PRELIMINARY INJUNCTION MOTION PURSUANT TO STIPULATION [ECF NO. <u>135</u> ] by Judge Maame Ewusi-Mensah Frimpong. County Plaintiffs' Exhibits 1-56 are admitted into evidence; Defendants' Exhibits 101-134, 136-186, 208-212, 261, 267, and 268 are admitted into evidence. IT IS SO ORDERED. (SEE DOCUMENT FOR FURTHER DETAILS) (yl) (Entered: 07/30/2025)
07/29/2025	<u>147</u>	AMENDED TRANSCRIPT for proceedings held on 7/17/2025. Court Reporter/Electronic Court Recorder: Echo Reporting, Inc., phone number (858) 453-7590. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 8/19/2025. Redacted Transcript Deadline set for 8/29/2025. Release of Transcript Restriction set for 10/27/2025. (jmo) (Entered: 07/29/2025)
07/29/2025	148	NOTICE OF FILING TRANSCRIPT filed for proceedings 7/17/2025 re Transcript <u>147</u> , <u>142</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (jmo) TEXT ONLY ENTRY (Entered: 07/29/2025)
07/29/2025	<u>149</u>	ORDER RE: ADMISSION OF EXHIBITS RELATED TO COUNTY PLAINTIFFS' PRELIMINARY INJUNCTION MOTION PURSUANT TO STIPULATION <u>135</u> by Judge Maame Ewusi-Mensah Frimpong : 1. County Plaintiffs Exhibits 1-56 are admitted into evidence;2. Defendants Exhibits 101-134, 136-186, 208-212, 261, 267, and 268 are admitted into evidence. (lc) (Entered: 07/29/2025)
08/11/2025	<u>151</u>	EX PARTE APPLICATION to Supplement Defendants' Ex Parte Application for Leave to File Supplemental Evidence in Opposition to Plaintiffs' Motion for Preliminary Injunction re MEMORANDUM in Opposition to Motion,,, <u>82</u> filed by Defendant Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Declaration of Katelyn E. Ciolino in Support of Ex Parte Application for Leave to File Supplemental Evidence in Opposition to Plaintiffs' Preliminary Injunction Motion, # <u>2</u> Declaration Supplemental Declaration of Patrick Sullivan, BCES, CPP, REPA, # <u>3</u> Proposed Order Granting Defendants Leave to File Supplemental Evidence in Opposition to Plaintiffs' Motion for Preliminary Injunction) (Chan, Paul) (Entered: 08/11/2025)
08/14/2025	<u>152</u>	OPPOSITION re: EX PARTE APPLICATION to Supplement Defendants' Ex Parte Application for Leave to File Supplemental Evidence in Opposition to Plaintiffs' Motion for Preliminary Injunction re MEMORANDUM in Opposition to Motion,,, <u>82</u> <u>151</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF COUNTY PLAINTIFFS OPPOSITION TO DEFENDANTS EX PARTE APPLICATION FOR LEAVE TO FILE SUPPLEMENTAL EVIDENCE IN OPPOSITION TO PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION)(Riggs, Jennifer) (Entered: 08/14/2025)
08/29/2025	<u>153</u>	ORDER GRANTING AS MODIFIED PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION [ECF NO. 58] AND GRANTING REQUEST FOR JUDICIAL NOTICE [ECF NO. <u>84</u> ] by Judge Maame Ewusi-Mensah Frimpong. For the foregoing reasons, the Court hereby ORDERS as follows: The Motion for Preliminary Injunction (ECF No. <u>58</u> ) is GRANTED AS MODIFIED. The parties are ORDERED to meet and confer and file a joint statement within thirty (30) days of this Order regarding a more narrowly tailored injunction as discussed above. b. The parties



		are ORDERED to meet and confer and file a joint statement within seven (7) days of this Order discussing whether the County is exempt from the posting of a bond. The Request for Judicial Notice (ECF No. 84) is GRANTED. IT IS SO ORDERED. (See document for further details) (yl) (Entered: 08/29/2025)
09/02/2025	<u>154</u>	(IN CHAMBERS) ORDER DENYING EX PARTE APPLICATION FOR LEAVE TO FILE SUPPLEMENTAL Evidence in Opposition to Plaintiff's Motion for Preliminary Injunction [ECF NO. <u>151</u> by Judge Maame Ewusi–Mensah Frimpong. For the reasons above, the Court DENIES the Application. As to the County's RJN, the Court did not need to consider any of the exhibits attached to the RJN for this Order. As such, the Court DENIES the RJN. IT IS SO ORDERED. (SEE DOCUMENT FOR FURTHER DETAILS) (yl) (Entered: 09/02/2025)
09/05/2025	<u>155</u>	STATEMENT JOINT STATEMENT REGARDING WHETHER THE PLAINTIFFS ARE EXEMPT FROM POSTING A BOND filed by Plaintiffs County of Los Angeles, The People of the State of California (Talley, Cristina) (Entered: 09/05/2025)
09/10/2025	<u>156</u>	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. Appeal of Order on Motion for Preliminary Injunction,,, <u>153</u> . (Appeal Fee – \$605 Fee Paid, Receipt No. ACACDC–40473217.) (Chan, Paul) (Entered: 09/10/2025)
09/22/2025	<u>157</u>	EX PARTE APPLICATION to Stay pending Further Consideration of Plaintiffs' Motion for Preliminary Injunction Order on Motion for Preliminary Injunction,,, <u>153</u> filed by Defendant Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Attachments: # <u>1</u> Declaration of Shoshana E. Barnett in Support of Defendants' Ex Parte Application to Stay Further Consideration of Plaintiffs' Motion for Preliminary Injunction, # <u>2</u> Exhibit 1 to Declaration of Shoshana E. Barnett, # <u>3</u> Exhibit 2 to Declaration of Shoshana E. Barnett, # <u>4</u> Proposed Order) (Chan, Paul) (Entered: 09/22/2025)
09/24/2025	<u>158</u>	DESIGNATION of Record on Appeal by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc. re <u>156</u> (Chan, Paul) (Entered: 09/24/2025)
09/29/2025	<u>159</u>	STATEMENT Regarding Scope of Preliminary Injunction filed by Plaintiffs County of Los Angeles, The People of the State of California <i>Joint Statement Regarding Scope of Preliminary Injunction</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Declaration of Kaitlyn D. Shannon)(Fox, Deborah) (Entered: 09/29/2025)
09/29/2025	<u>160</u>	REQUEST FOR JUDICIAL NOTICE <i>County Plaintiffs' Request for Judicial Notice In Support of Joint Statement Regarding Scope of Preliminary Injunction</i> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> Exhibit A – Declaration of Deborah J. Fox)(Fox, Deborah) (Entered: 09/29/2025)
09/29/2025	<u>161</u>	NOTICE OF LODGING filed [ <i>Proposed</i> ] <i>Order Granting Motion for Preliminary Injunction</i> re NOTICE OF MOTION AND MOTION for Preliminary Injunction re Relief Fund for Temporary Relocation and Home Hardening <u>58</u> , Order on Motion for Preliminary Injunction,,, <u>153</u> (Attachments: # <u>1</u> Proposed Order Granting Motion for Preliminary Injunction)(Fox, Deborah) (Entered: 09/29/2025)
10/01/2025	<u>162</u>	OPPOSITION IN OPPOSITION TO re: EX PARTE APPLICATION to Stay pending Further Consideration of Plaintiffs' Motion for Preliminary Injunction Order on Motion for Preliminary Injunction,,, <u>153</u> <u>157</u> filed by Plaintiffs County of Los Angeles, The People of the State of California. (Attachments: # <u>1</u> Declaration OF CRISTINA L. TALLEY IN SUPPORT OF COUNTY PLAINTIFFS OPPOSITION TO DEFENDANTS EX PARTE APPLICATION TO STAY FURTHER CONSIDERATION OF PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION)(Talley, Cristina) (Entered: 10/01/2025)
10/10/2025	<u>163</u>	OBJECTIONS to Statement, <u>159</u> <i>Defendants' Evidentiary Objections to Plaintiffs' Supplemental Evidence Appended to Joint Statement</i> filed by Defendants Chiquita Canyon, Inc., Chiquita Canyon, LLC, Waste Connections US, Inc.. (Rigdon, Grant) (Entered: 10/10/2025)

# **Exhibit 3**

Dawyn R. Harrison, County Counsel (SBN: 173855)  
Scott Kuhn, Assistant County Counsel, (SBN: 190517)  
Dušan Pavlović, Senior Deputy County Counsel (SBN: 228509)  
Caroline K. Castillo, Deputy County Counsel (SBN: 236987)  
OFFICE OF THE COUNTY COUNSEL  
648 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012-2713  
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Deborah J. Fox (SBN: 110929)  
dfox@meyersnave.com  
Jenny L. Riggs (SBN: 204417)  
jriggs@meyersnave.com  
Catherine L. Carlisle (SBN: 298316)  
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Seena M. Samimi (SBN: 246335)  
ssamimi@meyersnave.com  
MEYERS NAVE  
707 Wilshire Blvd., 24<sup>th</sup> Floor  
Los Angeles, California 90017  
Telephone: (213) 626-2906  
Facsimile: (213) 626-0215

Attorneys for Plaintiffs  
THE PEOPLE OF THE STATE OF  
CALIFORNIA and THE COUNTY OF LOS  
ANGELES

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

THE PEOPLE OF THE STATE OF  
CALIFORNIA, by and through Dawyn R.  
Harrison, County Counsel for the County of  
Los Angeles, and THE COUNTY OF LOS  
ANGELES,

Plaintiffs,

v.

CHIQUITA CANYON, LLC, a Delaware  
limited liability company; CHIQUITA  
CANYON, INC., a Delaware corporation;  
WASTE CONNECTIONS US, INC., a  
Delaware corporation; and DOES 1-50,  
inclusive,

Defendants.

Case No. 2:24-cv-10819-MEMF (MARx)  
Related Case: 2:23-cv-08380-MEMF (MARx)

Hon. Maame Ewusi-Mensah Frimpong

**NOTICE OF MOTION OF THE PEOPLE  
OF THE STATE OF CALIFORNIA AND  
THE COUNTY OF LOS ANGELES FOR A  
PRELIMINARY INJUNCTION**

Date: July 17, 2025  
Time: 10:00 a.m.  
Dept.: 8B

Action Filed: December 16, 2024  
Trial Date: None Set

**TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE THAT** on July 17, 2025, at 10:00 a.m., or as soon thereafter as counsel may be heard, in the courtroom of the Honorable Maame Ewusi-Mensah Frimpong, Department 8B of the above-entitled Court, located in the First Street Courthouse, 350 West First Street, Los Angeles, CA 90012, Plaintiffs the People of the State of California and the County of Los Angeles (“Plaintiffs”) will and hereby do move this Court pursuant to Federal Rule of Civil Procedure 65 for a preliminary injunction against Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., and Waste Connections US, Inc. (“Defendants”), directing Defendants during the pendency of this action to subsidize (a) the temporary relocation of residents living in the hots spots that are in proximity to the Chiquita Canyon Landfill (the “Landfill”) and/or (b) the remedial measures people living, working, or studying in proximity to the Landfill undertake to mitigate the effects they are suffering from the Landfills odors, including but not limited to air purifier and filtration systems, double paned windows, home hardening, and assistance with utility bills.

This Motion is made upon the following grounds:

- Plaintiffs have demonstrated a likelihood of success on the merits as to each of their causes of action against Defendants for (1) public nuisance – nuisance per se, (2) public nuisance, (3) violation of the California Unfair Competition Law, and (4) violation of the Los Angeles County Code. The odors and noxious fumes that are emanating from Defendants’ Landfill impact the health and welfare of the surrounding community. Despite all efforts by various regulatory agencies, including the County, to require Defendants to bring their Landfill into compliance, the subsurface reaction at the Landfill continues to grow, continuing to cause harm to the surrounding community, thus both violating the Los Angeles County Code and creating a public nuisance.
- Plaintiffs would suffer irreparable harm absent a preliminary injunction because the ongoing reaction at the Landfill negatively impacts public health, and an award of monetary damages will not afford Plaintiffs adequate relief from this ongoing nuisance.

- The balance of equities tips in Plaintiffs' favor and an injunction is in the public interest because absent relief, public health will continue to be at risk all while Defendants' failure to control the subsurface reaction created at the Landfill allow the noxious odors to increase.

This Motion is based on this Notice of Motion, the attached Memorandum of Points and Authorities, the Declarations of Health Officer Muntu Davis, MD, MPH, of the Los Angeles County Department of Public Health; Harold Campbell IV, Ph.D., Chief Data Officer of the Los Angeles County Department of Public Health; Air Quality Analysis and Compliance Supervisor Amanda Sanders of South Coast Air Quality Management District; Shikari Nakagawa-Ota, Assistant Director of Environmental Health for the Los Angeles County Department of Public Health; Deputy Director of Waste Permitting, Compliance and Mitigation, Mark deBie, of the California Department of Resources Recycling and Recovery; Elizabeth Anne Berg, Deputy Director of California's Department of Toxic Substances Control; Assistant Deputy Director of Los Angeles County Department of Regional Planning Alex Garcia; Steven Howse; Stephen D. Perera; John Suggs II; and Jenny L. Riggs filed concurrently herewith, all of the pleadings, files, and records in this proceeding, all other matters of which the Court may take judicial notice, and upon any argument or evidence that may be presented to or considered by the Court prior to its ruling.

DATED: May 29, 2025

MEYERS NAVE

By: /s/Jenny L. Riggs  
DEBORAH J. FOX  
JENNY L. RIGGS  
CATHERINE L. CARLISLE  
SEENA M. SAMIMI  
Attorneys for Plaintiffs  
THE PEOPLE OF THE STATE OF  
CALIFORNIA and THE COUNTY OF LOS  
ANGELES

6197196

# **Exhibit 4**

**From:** Kathryn Roberts <KRoberts@aqmd.gov>  
**Sent:** Tuesday, March 18, 2025 10:36 AM  
**To:** Carlisle, Cathy; MN Internal Chiquita Canyon  
**Cc:** Fox, Deborah; Dusan Pavlovic; Caroline Castillo; Nicholas Sanchez  
**Subject:** COLA v. Chiquita Canyon - South Coast AQMD Complaint - Common Interest Agreement  
**Attachments:** Complaint Summary Alleging Chiquita Landfill as Source 2023-01-01 through 2025-02-18.xlsx

[EXTERNAL E-MAIL]

*CONFIDENTIAL – SUBJECT TO COMMON INTEREST AGREEMENT*

Good morning,

Pursuant to the Common Interest Agreement, attached please find complaint data in MS excel format for Chiquita Canyon from January 2023 to February 18, 2025. NOTE: As this data includes individual house numbers as part of the address, this data is considered CONFIDENTIAL.

Thanks,  
Kathryn

Kathryn Roberts, Esq.  
Senior Deputy District Counsel  
**Office of the General Counsel**  
**South Coast Air Quality Management District**  
**Phone:** 909.396.2734  
**Email:** kroberts@aqmd.gov

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**From:** Kathryn Roberts <KRoberts@aqmd.gov>  
**Sent:** Friday, March 21, 2025 12:34 PM  
**To:** Carlisle, Cathy; MN Internal Chiquita Canyon  
**Cc:** Fox, Deborah; Dusan Pavlovic; Caroline Castillo; Nicholas Sanchez  
**Subject:** RE: COLA v. Chiquita Canyon - South Coast AQMD Complaint - Common Interest Agreement  
**Attachments:** Complaint Summary Alleging Chiquita Landfill as Source 2025-02-19 through 2025-03-18.xlsx

[EXTERNAL E-MAIL]

*CONFIDENTIAL – SUBJECT TO COMMON INTEREST AGREEMENT*

Good afternoon,

Pursuant to the Common Interest Agreement, attached please find complaint data in MS excel format for Chiquita Canyon from February 19, 2025 through March 18, 2025. NOTE: As this data includes individual house numbers as part of the address, this data is considered CONFIDENTIAL.

Thanks,  
Kathryn

Kathryn Roberts, Esq.  
Senior Deputy District Counsel  
**Office of the General Counsel**  
**South Coast Air Quality Management District**  
**Phone:** 909.396.2734  
**Email:** kroberts@aqmd.gov

**Please consider the environment before printing this email.**

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**From:** Ryan Mansell  
**Sent:** Wednesday, September 10, 2025 8:51 AM  
**To:** Fox, Deborah  
**Cc:** Samimi, Seena; Mary Reichert; Kathryn Roberts; MN Internal Chiquita Canyon; Dusan Pavlovic; Caroline K. Castillo (ccastillo@counsel.lacounty.gov)  
**Subject:** RE: Supplemental SCAQMD Data  
**Attachments:** Complaint Summary Alleging Chiquita Landfill as Source 2025-03-19 through 2025-09-04.xlsx

Good Morning,

The compliance team worked diligently through almost 11 p.m. last night to get this together and reviewed. Pursuant to the Common Interest Agreement, attached please find complaint data in MS excel format for Chiquita Canyon from March 19, 2025 through September 4, 2025. NOTE: As this data includes individual house numbers as part of the address, this data is considered CONFIDENTIAL.

Let me know if you need anything else. Thanks.



**Ryan P. Mansell**

Principal Deputy District Counsel  
South Coast Air Quality Management District

**Office:** (909) 396-2387 | **Cell:** (909) 569-9841

**Email:** [rmansell@aqmd.gov](mailto:rmansell@aqmd.gov)

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# **Exhibit 5**

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

THE PEOPLE OF THE STATE OF  
CALIFORNIA, by and through Dawyn  
R. Harrison, County Counsel for the  
County of Los Angeles, and THE  
COUNTY OF LOS ANGELES,  
  
Plaintiffs,  
  
v.  
  
CHIQUITA CANYON, LLC, a  
Delaware limited liability company,  
CHIQUITA CANYON, INC., a  
Delaware corporation, and WASTE  
CONNECTIONS US, INC., a Delaware  
corporation,  
  
Defendants.

Case No. 2:24-cv-10819 MEMF (MARx)  
Hon. Maame Ewusi-Mensah Frimpong  
  
**STIPULATED PROTECTIVE  
ORDER RELATING TO  
PRELIMINARY INJUNCTION  
MOTION**  
  
Action Filed: December 16, 2024  
Trial Date: None Set

1. INTRODUCTION

1.1 PURPOSES AND LIMITATIONS

This protective order is necessary in order to facilitate the exchange of information and documents by and between the parties in this Action, including data and information from non-parties, that may be needed in connection with Plaintiffs' Motion for Preliminary Injunction, Dkt. 58 ("PI Motion"), and that may be subject to confidentiality limitations on disclosure due to federal laws, state laws, and/or privacy rights. As well, the Parties recognize that discovery for purposes of the PI Motion is likely to involve production of confidential, proprietary, or private information for which special protection from public disclosure and from use for any purpose other than prosecuting this litigation may be warranted. Accordingly, the Parties hereby stipulate to and petition the Court to enter the following Stipulated Protective Order ("Protective Order") for purposes of information exchanged for the PI Motion only. This Protective Order does not apply to information exchanged more generally in this Action. The Parties acknowledge that this Protective Order does not confer blanket protections on all disclosures or responses to discovery and that the protection it affords from public disclosure and use extends only to the limited information or items that are entitled to confidential treatment under the applicable legal principles. The Parties further acknowledge, as set forth in Section 12.3, below, that this Protective Order does not entitle them to file confidential information under seal; Civil Local Rule 79-5 sets forth the procedures that must be followed and the standards that will be applied when a Party seeks permission from the Court to file material under seal.

1.2 GOOD CAUSE STATEMENT

This PI Motion is likely to involve confidential, proprietary, and/or private information such as home addresses, home phone numbers, names of complaining persons to various regulatory agencies, trade secrets, confidential business or financial information, information regarding confidential business practices,

1 customer and pricing lists and other confidential and valuable research,  
2 development, commercial, financial, technical and/or proprietary information  
3 (including information implicating privacy rights of third parties) for which special  
4 protection from public disclosure and from use for any purpose other than litigating  
5 the PI Motion is warranted, along with information otherwise generally unavailable  
6 to the public, or which may be privileged or otherwise protected from disclosure  
7 under state or federal statutes, court rules, case decisions, or common law.  
8 Accordingly, to expedite the flow of information, to facilitate the prompt resolution  
9 of disputes over confidentiality of discovery materials, to adequately protect  
10 information the Parties are entitled to keep confidential, to ensure that the Parties are  
11 permitted reasonable necessary uses of such material for litigating the PI Motion,  
12 and serve the ends of justice, a protective order for such information is justified in  
13 this matter. The Parties agree that no Party or Non-Party should designate  
14 information as CONFIDENTIAL for tactical reasons and that no Party or Non-Party  
15 should designate information as CONFIDENTIAL without a good faith belief that it  
16 is properly designated as CONFIDENTIAL under the terms of this Protective Order.

17 2. DEFINITIONS

18 The following definitions apply to this Protective Order:

19 2.1 Action: this pending federal lawsuit.

20 2.2 Challenging Party: a Party or Non-Party that challenges the designation  
21 of information or items under this Protective Order.

22 2.3 “CONFIDENTIAL” Information or Items: information (regardless of  
23 how it is generated, stored or maintained) or tangible things that qualify for  
24 protection under Federal Rule of Civil Procedure 26(c), and the information  
25 specified above in the Good Cause Statement, including confidential, proprietary,  
26 and/or private information such as home addresses, home phone numbers, names of  
27 complaining persons to various regulatory agencies, trade secrets, confidential  
28 business or financial information, information regarding confidential business

1 practices, customer and pricing lists and other confidential and valuable research,  
2 development, commercial, financial, technical and/or proprietary information  
3 (including information implicating privacy rights of third parties) for which special  
4 protection from public disclosure and from use for any purpose other than  
5 prosecution of this Action is warranted, along with information otherwise generally  
6 unavailable to the public, or which may be privileged or otherwise protected from  
7 disclosure under state or federal statutes, court rules, case decisions, or common  
8 law.

9       2.4    Counsel: Outside Counsel of Record and House Counsel (as well as  
10 their support staff).

11       2.5    Designating Party: a Party or Non-Party that designates information or  
12 items that it produces in disclosures or in responses to discovery or in providing  
13 information from a third-party regulatory agency as “CONFIDENTIAL.”

14       2.6    Disclosure or Discovery Material: all items or information, regardless  
15 of the medium or manner in which it is generated, stored, or maintained (including,  
16 among other things, testimony, transcripts, and tangible things), that are produced or  
17 generated in disclosures, responses to discovery in this matter, and/or production of  
18 Non-Party data as part of the issues at play with the Chiquita Canyon Landfill.

19       2.7    Expert: a person with specialized knowledge or experience in a matter  
20 pertinent to the litigation who has been retained by a Party or its counsel to serve as  
21 an expert witness or as a consultant in this Action.

22       2.8    House Counsel: attorneys who are employees of a party to this Action.  
23 House Counsel does not include Outside Counsel of Record or any other outside  
24 counsel.

25       2.9    Non-Party: any natural person, partnership, corporation, association, or  
26 other legal entity not named as a Party to this Action.

27       2.10   Outside Counsel of Record: attorneys who are not employees of a  
28 Party to this Action but are retained to represent or advise a party to this Action and

1 have appeared in this Action on behalf of that Party or are affiliated with a law firm  
2 which has appeared on behalf of that Party, and includes support staff.

3       2.11 Party: any party to this Action, including all of its officers, directors,  
4 employees, consultants, retained experts, and Outside Counsel of Record (and their  
5 support staffs).

6       2.12 PI Motion: the preliminary injunction motion filed in this Action on  
7 May 29, 2025, Dkt. 58.

8       2.13 Producing Party: a Party or Non-Party that produces Disclosure or  
9 Discovery Material in this Action.

10       2.14 Professional Vendors: persons or entities that provide litigation support  
11 services (e.g., photocopying, videotaping, translating, preparing exhibits or  
12 demonstrations, and organizing, storing, or retrieving data in any form or medium)  
13 and their employees and subcontractors.

14       2.15 Protected Material: any Disclosure or Discovery Material that is  
15 designated as “CONFIDENTIAL.”

16       2.16 Receiving Party: a Party that receives Disclosure or Discovery Material  
17 from a Producing Party.

18       2.17 Special Master: the Hon. Daniel Buckley (Ret.) appointed as Special  
19 Master in the Action pursuant to ECF 68.

20 3. “SCOPE

21       The protections conferred by this Protective Order cover not only Protected  
22 Material (as defined above), but also (1) any information copied or extracted from  
23 Protected Material; (2) all copies, excerpts, summaries, or compilations of Protected  
24 Material; and (3) any testimony, conversations, or presentations by Parties or their  
25 Counsel that might reveal Protected Material.

26       Any use of Protected Material in the Action apart from with respect to this PI  
27 Motion will be governed by any such further Protective Orders as the Parties may  
28 enter into. This Protective Order does not govern the use of Protected Material in

1 the Action generally. Any use of Protected Material at trial will be governed by the  
2 orders of the trial judge. This Protective Order does not govern the use of Protected  
3 Material at trial.

4 4. DURATION

5 Even after final disposition of the PI Motion, the confidentiality obligations  
6 imposed by this Protective Order shall remain in effect until a Designating Party  
7 agrees otherwise in writing or a court order otherwise directs. Final disposition shall  
8 be deemed to be the later of (1) dismissal of the PI Motion; and (2) final  
9 adjudication of the PI Motion after the completion and exhaustion of all appeals,  
10 rehearings, remands, trials, or reviews of this action, including the time limits for  
11 filing any motions or applications for extension of time pursuant to applicable law.  
12 Notwithstanding the foregoing, all Parties reserve their rights to challenge any  
13 confidentiality designation at any time, including once the case proceeds to trial, on  
14 any basis, including that merits-related documents that are part of the court record  
15 are presumptively public.

16 5. DESIGNATING PROTECTED MATERIAL

17 5.1 Exercise of Restraint and Care in Designating Material for Protection.

18 Each Party or Non-Party that designates information or items for protection under  
19 this Protective Order must take care to limit any such designation to specific  
20 material that qualifies as confidential under the Federal Rules of Civil Procedure and  
21 as defined in Section 2.3, *supra*. The Designating Party must designate for  
22 protection only those parts of material, documents, items, or oral or written  
23 communications that qualify so that other portions of the material, documents,  
24 items, or communications for which protection is not warranted are not swept  
25 unjustifiably within the ambit of this Protective Order.

26 Mass, indiscriminate, or routinized designations are prohibited. Designations  
27 that are shown to be clearly unjustified or that have been made for an improper  
28 purpose (e.g., to unnecessarily encumber the case development process or to impose



unnecessary expenses and burdens on other parties) may expose the Designating Party to sanctions.

If it comes to a Designating Party's attention that information or items that it designated for protection do not qualify for protection, that Designating Party must promptly notify all other Parties that it is withdrawing the inapplicable designation.

5.2 Manner and Timing of Designations. Except as otherwise provided in this Protective Order (*see, e.g.*, Section 5.2(a), *infra*), or as otherwise stipulated or ordered, Disclosure or Discovery Material that qualifies for protection under this Protective Order must be clearly so designated before the material is disclosed or produced.

Designation in conformity with this Protective Order requires:

(a) for information in documentary form (e.g., paper or electronic documents, but excluding transcripts of depositions or other pretrial or trial proceedings), that the Producing Party affix, at a minimum, the legend "CONFIDENTIAL" (hereinafter "CONFIDENTIAL legend"), to each page that contains protected material. If only a portion or portions of the material on a page qualifies for protection, the Producing Party also must clearly identify the protected portion(s) (e.g., by making appropriate markings in the margins or by marking a spreadsheet column, row, or cell as confidential).

(b) for testimony given in depositions, that the Designating Party identify the "Confidential" testimony on the record, by specifying all portions of the testimony that qualify as Confidential on the record before the close of the deposition; or by designating the entirety of the testimony at the deposition as "Confidential" before the deposition is concluded, with the right to identify more specific portions of the testimony as to which protection is sought within 5 days of receipt of the deposition transcript.

(c) for information produced in some form other than documentary and for any other tangible items, that the Producing Party affix in a prominent place on the

1 exterior of the container or containers in which the information is stored the legend  
2 “CONFIDENTIAL.” If only a portion or portions of the information warrants  
3 protection, the Producing Party, to the extent practicable, will identify the protected  
4 portion(s).

5 5.3 Inadvertent Failures to Designate. If timely corrected upon discovery,  
6 an inadvertent failure to designate qualified information or items does not, standing  
7 alone, waive the Designating Party’s right to secure protection under this Protective  
8 Order for such material. Upon timely correction of a designation, the Receiving  
9 Party must make reasonable efforts to assure that the material is treated in  
10 accordance with the provisions of this Protective Order.

11 6. CHALLENGING CONFIDENTIALITY DESIGNATIONS

12 6.1 Timing of Challenges. Any Party or Non-Party may challenge a  
13 designation of confidentiality at any time that is consistent with the Court’s  
14 Scheduling Orders. Challenges may be raised before the Special Master.

15 6.2 Meet and Confer. To challenge a CONFIDENTIAL designation, the  
16 Challenging Party must first initiate the dispute resolution process under Local Rule  
17 37.

18 6.3 The burden of persuasion in any such challenge proceeding will be on  
19 the Designating Party. Frivolous challenges, and those made for an improper  
20 purpose (e.g., to harass or impose unnecessary expenses and burdens on other  
21 parties) may expose the Challenging Party to sanctions. Unless the Designating  
22 Party has waived or withdrawn the confidentiality designation, all Parties will  
23 continue to afford the material in question the level of protection to which it is  
24 entitled under the Producing Party’s designation until the Court or Special Master  
25 rules on the challenge.

26 7. ACCESS TO AND USE OF PROTECTED MATERIAL

27 7.1 Basic Principles. A Receiving Party may use Protected Material that is  
28 disclosed or produced by another Party or by a Non-Party in connection with this PI

1 Motion only for prosecuting, defending, or attempting to settle this PI Motion,  
2 unless otherwise agreed to by the Parties. Such Protected Material may be  
3 disclosed only to the categories of persons and under the conditions described in this  
4 Protective Order. Upon Final Disposition of the PI Motion, a Receiving Party must  
5 comply with the provisions of Section 13 below (FINAL DISPOSITION).

6 Protected Material must be stored and maintained by a Receiving Party at a  
7 location and in a secure manner that ensures that access is limited to the persons  
8 authorized under this Protective Order.

9 7.2 Disclosure of “CONFIDENTIAL” Information or Items. Unless  
10 otherwise ordered by the Court, Special Master, or permitted in writing by the  
11 Designating Party, a Receiving Party may disclose any information or item  
12 designated “CONFIDENTIAL” only to:

13 (a) The Receiving Party’s Outside Counsel of Record in this Action, as  
14 well as employees of said Outside Counsel of Record to whom it is reasonably  
15 necessary to disclose the information for this Action;

16 (b) the officers, directors, and employees (including House Counsel) of the  
17 Receiving Party to whom disclosure is reasonably necessary for this Action;

18 (c) Experts (as defined in this Protective Order) of the Receiving Party to  
19 whom disclosure is reasonably necessary for this Action and who have signed the  
20 “Acknowledgment and Agreement to Be Bound” (Exhibit A);

21 (d) the Court and its personnel;

22 (e) the Special Master;

23 (f) court reporters and their staff;

24 (g) Professional Vendors to whom disclosure is reasonably necessary for  
25 this Action and who have signed the “Acknowledgment and Agreement to Be  
26 Bound” (Exhibit A);

27 (h) the author or recipient of a document containing the information or a  
28 custodian or other person who otherwise possessed or knew the information;

1 (i) during their depositions, witnesses and attorneys for witnesses in the  
2 Action to whom disclosure is reasonably necessary, provided that the deposing party  
3 requests that the witness sign the form attached as Exhibit A hereto. Pages of  
4 transcribed deposition testimony or exhibits to depositions that reveal Protected  
5 Material may be separately bound by the court reporter and may not be disclosed to  
6 anyone except as permitted under this Protective Order;

7 (j) any mediator or settlement officer, and their supporting personnel,  
8 mutually agreed upon by any of the parties engaged in settlement discussions; and

9 (k) any other person on such terms and conditions as the Parties may mutually  
10 agree, in writing, or as the Court or Special Master may hereafter direct by further  
11 order.

12 7.2 Use of “CONFIDENTIAL” Information or Items.

13 In the event a Party wishes to use CONFIDENTIAL information or items:

14 (a) The Party wishing to use information that has been designated by the  
15 Designating Party as CONFIDENTIAL in any filing related to the PI Motion shall  
16 give the Designating Party reasonable advance written notice of the Party’s desire to  
17 use such information and the Parties shall confer in good faith and attempt to agree  
18 to the use of CONFIDENTIAL information in lieu of filing materials under seal,  
19 including use of redacted documents or summaries of the information to avoid  
20 disclosure of the protected information.

21 (b) Upon request, the Designating Party shall in good faith attempt to identify  
22 the specific information that would be required to be placed under seal so that  
23 redacted copies can be used as exhibits in filings and at hearings if possible.

24 (c) Absent agreement among the Parties or applicable non-parties, the Party  
25 wishing to use the information, documents, or material shall redact such filings for  
26 CONFIDENTIAL information and file unredacted versions under seal as specified  
27 in Section 12.3;  
28

(d) Before any hearings, oral arguments, or other appearances in Court or before the Special Master with respect to the PI Motion, the parties shall confer and attempt to agree on the procedures under which CONFIDENTIAL information may be introduced into evidence or otherwise disclosed, discussed or used at such hearing, oral argument, or appearance. Upon reaching agreement, the Parties shall give notice of the terms of such agreement to each Non-Party producing any CONFIDENTIAL information, documents, or material which may be used or introduced at such hearing, argument, or appearance. Absent agreement among the Parties (and, if applicable, producing Non-Parties), the Court or Special Master shall be asked to issue an order governing the use of such CONFIDENTIAL information, documents, or material at the hearing, argument, or appearance related to the PI Motion upon reasonable notice to all Parties and any Non-Parties who have produced such discovery.

8. PROTECTED MATERIAL SUBPOENAED OR ORDERED PRODUCED  
IN OTHER LITIGATION

If a Party is served with a subpoena or a court order issued in other litigation that compels disclosure of any information or items designated in this Action as “CONFIDENTIAL,” that Party must:

(a) promptly notify in writing the Designating Party. Such notification will include a copy of the subpoena or court order;

(b) promptly notify in writing the party who caused the subpoena or order to issue in the other litigation that some or all of the material covered by the subpoena or order is subject to this Protective Order. Such notification will include a copy of this Protective Order; and

(c) cooperate with respect to all reasonable procedures sought to be pursued by the Designating Party whose Protected Material may be affected.

If the Designating Party timely seeks a protective order, the Party served with the subpoena or court order will not produce any information designated in this action

1 as “CONFIDENTIAL” before a determination by the court from which the subpoena  
2 or order issued, unless the Party has obtained the Designating Party’s permission. The  
3 Designating Party will bear the burden and expense of seeking protection in that court  
4 of its confidential material and nothing in these provisions should be construed as  
5 authorizing or encouraging a Receiving Party in this Action to disobey a lawful  
6 directive from another court.

7 9. A NON-PARTY’S PROTECTED MATERIAL SOUGHT TO BE  
8 PRODUCED IN THIS LITIGATION

9 (a) The terms of this Protective Order are applicable to information  
10 produced by a Non-Party for purposes of the PI Motion and designated as  
11 “CONFIDENTIAL.” Such information produced by Non-Parties in connection  
12 with this PI Motion is protected by the remedies and relief provided by this  
13 Protective Order. Nothing in these provisions should be construed as prohibiting a  
14 Non-Party from seeking additional protections.

15 (b) In the event that a Party is required, by a valid discovery request, to  
16 produce a Non-Party’s confidential information in its possession, and the Party is  
17 subject to an agreement with the Non-Party not to produce the Non-Party’s  
18 confidential information, then the Party will:

19 (1) promptly notify in writing the Requesting Party and the Non-  
20 Party that some or all of the information requested is subject to a confidentiality  
21 agreement with a Non-Party;

22 (2) promptly provide the Non-Party with a copy of the Protective  
23 Order in this Action, the relevant discovery request(s), and a reasonably specific  
24 description of the information requested; and

25 (3) make the information requested available for inspection by the  
26 Non-Party, if requested.

27 (c) If the Non-Party fails to seek a protective order from this Court within  
28 14 days of receiving the notice and accompanying information, the Party may



1 produce the Non-Party's confidential information responsive to the discovery  
2 request, with the same assertion of confidentiality made by the Non-Party when it  
3 provided the confidential information to the Receiving Party. If the Non-Party  
4 timely seeks a protective order, the Receiving Party shall not produce any  
5 information in its possession or control that is subject to the confidentiality  
6 agreement with the Non-Party before a determination by the Court. Absent a court  
7 order to the contrary, the Non-Party shall bear the burden and expense of seeking  
8 protection in this Court of its Protected Material.

9 10. UNAUTHORIZED DISCLOSURE OF PROTECTED MATERIAL

10 If a Receiving Party learns that, by inadvertence or otherwise, it has disclosed  
11 Protected Material to any person or in any circumstance not authorized under this  
12 Protective Order, the Receiving Party must immediately (a) notify in writing the  
13 Designating Party of the unauthorized disclosures, (b) use its best efforts to retrieve  
14 all unauthorized copies of the Protected Material, (c) inform the person or persons to  
15 whom unauthorized disclosures were made of all the terms of this Protective Order,  
16 and (d) request such person or persons to execute the "Acknowledgment and  
17 Agreement to Be Bound" that is attached hereto as Exhibit A.

18 11. INADVERTENT PRODUCTION OF PRIVILEGED OR OTHERWISE  
19 PROTECTED MATERIAL

20 When a Producing Party gives notice to Receiving Parties that certain  
21 inadvertently produced material is subject to a claim of privilege or other protection,  
22 the obligations of the Receiving Parties are those set forth in Federal Rule of Civil  
23 Procedure 26(b)(5)(B). This provision is not intended to modify whatever  
24 procedure may be established in an e-discovery order that provides for production  
25 without prior privilege review. Pursuant to Federal Rule of Evidence 502(d) and  
26 (e), insofar as the Parties reach an agreement on the effect of disclosure of a  
27 communication or information covered by the attorney-client privilege or work  
28

1 product protection, the Parties may incorporate their agreement in the stipulated  
2 protective order submitted to the Court.

3 12. MISCELLANEOUS

4 12.1 Right to Further Relief. Nothing in this Protective Order abridges the  
5 right of any person to seek its modification by the Court in the future.

6 12.2 Right to Assert Other Objections. By stipulating to the entry of this  
7 Protective Order, no Party waives any right it otherwise would have to object to  
8 disclosing or producing any information or item on any ground not addressed in this  
9 Protective Order. Similarly, no Party waives any right to object on any ground to  
10 use in evidence of any of the material covered by this Protective Order.

11 12.3 Filing Protected Material. A Party that seeks to file under seal any  
12 Protected Material must comply with Civil Local Rule 79-5. Protected Material  
13 may only be filed under seal pursuant to a court order authorizing the sealing of the  
14 specific Protected Material at issue. If a Party's request to file Protected Material  
15 under seal is denied by the Court, then the Receiving Party may file the information  
16 in the public record unless otherwise instructed by the Court.

17 13. FINAL DISPOSITION

18 After the final disposition of the PI Motion, as defined in Section 4, within 60  
19 days of a written request by the Designating Party, each Receiving Party must return  
20 all Protected Material to the Producing Party or destroy such material. As used in  
21 this subdivision, "all Protected Material" includes all copies, abstracts, compilations,  
22 summaries, and any other format reproducing or capturing any of the Protected  
23 Material. Whether the Protected Material is returned or destroyed, the Receiving  
24 Party must submit a written certification to the Producing Party (and, if not the same  
25 person or entity, to the Designating Party) by the 60 day deadline that (1) identifies  
26 (by category, where appropriate) all the Protected Material that was returned or  
27 destroyed, and (2) affirms that the Receiving Party has not retained any copies,  
28 abstracts, compilations, summaries or any other format reproducing or capturing any



1 of the Protected Material. Notwithstanding this provision, Counsel are entitled to  
2 retain an archival copy of all pleadings, motion papers, trial, deposition, and hearing  
3 transcripts, legal memoranda, correspondence, deposition and trial exhibits, expert  
4 reports, attorney work product, and consultant and expert work product, even if such  
5 materials contain Protected Material. Any such archival copies that contain or  
6 constitute Protected Material remain subject to this Protective Order as set forth in  
7 Section 4 (DURATION). The Parties may further mutually agree, in writing, on  
8 such other terms and conditions governing the use of Protected Material in the  
9 Action after final disposition of the PI Motion, such as making the Protected  
10 Material subject to a future protective order, or as the Court or Special Master may  
11 hereafter direct by further order.

12 14. Any willful violation of this Protective Order may be punished by civil or  
13 criminal contempt proceedings, financial or evidentiary sanctions, reference to  
14 disciplinary authorities, or other appropriate action at the discretion of the Court.  
15

16 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:  
17  
18

19 DATED: June 16, 2025

MEYERS NAVE

20  
21  
22 By: /s/Jenny L. Riggs  
23 DEBORAH J. FOX  
24 JENNY L. RIGGS  
25 CATHERINE L. CARLISLE  
26 SEENA M. SAMIMI  
27 Attorneys for Plaintiffs  
28 THE PEOPLE OF THE STATE OF  
CALIFORNIA and THE COUNTY OF  
LOS ANGELES

1 DATED: June 16, 2025

Paul S. Chan  
Ariel A. Neuman  
Shoshana E. Barnett  
Alex M. Cronin  
BIRD, MARELLA, RHOW, LINCENBERG,  
DROOKS & NESSIM, LLP

Jacob P. Duginski  
Kaitlyn D. Shannon  
Megan L. Marzec Morgan  
Katelyn E. Ciolino  
BEVERIDGE & DIAMOND, P.C.

By: /s/Katelyn E. Ciolino  
KATELYN E. CIOLINO

Attorneys for Defendants  
CHIQUITA CANYON, LLC, CHIQUITA  
CANYON, INC., and WASTE  
CONNECTIONS US, INC.

17 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

19 DATED: 6/30/2025

  
HON. MARGO A. ROCCONI  
United States Magistrate Court Judge

24 6210928

EXHIBIT A

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, \_\_\_\_\_ [print or type full name], of  
\_\_\_\_\_ [print or type full address],  
declare under penalty of perjury that I have read in its entirety and understand the  
Stipulated Protective Order that was issued by the United States District Court for  
the Central District of California on [date] in the case of *The People of the State of  
California v. Chiquita Canyon, LLC*, USDC Case No. 2:24-cv-10819-MEMF  
(MARx) for purposes of litigating the Preliminary Injunction Motion [Dkt. 58].  
I agree to comply with and to be bound by all the terms of this Protective Order  
and I understand and acknowledge that failure to so comply could expose me to  
sanctions and punishment in the nature of contempt. I solemnly promise that I  
will not disclose in any manner any information or item that is subject to this  
Protective Order to any person or entity except in strict compliance with the  
provisions of this Protective Order.

I further agree to submit to the jurisdiction of the United States District Court  
for the Central District of California for the purpose of enforcing the terms of this  
Protective Order, even if such enforcement proceedings occur after termination of  
this action. I hereby appoint \_\_\_\_\_ [print or type full  
name] of \_\_\_\_\_ [print or type full address  
and telephone number] as my California agent for service of process in connection  
with this action or any proceedings related to enforcement of this Protective Order.

Date: \_\_\_\_\_

City and State where signed: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_

5947158

**ATTESTATION**

Pursuant to Civil L.R. 5-4.3.4(a)(2)(1), I attest that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

DATED: June 16, 2025

MEYERS NAVE

By: /s/Jenny L. Riggs

DEBORAH J. FOX

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THE PEOPLE OF THE STATE OF  
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LOS ANGELES

# **Exhibit 6**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

THE PEOPLE OF THE STATE OF  
CALIFORNIA ET AL.,

Plaintiffs,

v.

CHIQUITA CANYON, LLC ET AL.,

Defendants.

Case No.: 2:24-cv-10819-MEMF-MAR

**ORDER GRANTING AS MODIFIED  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION [ECF NO.  
58] AND GRANTING REQUEST FOR  
JUDICIAL NOTICE [ECF NO. 84]**

Before the Court is the Motion for Preliminary Injunction filed by Plaintiffs the People of the State of California and the County of Los Angeles. ECF No. 58. Also before the Court is the Request for Judicial Notice filed by Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc., and Waste Connections US Inc. ECF No. 84. For the reasons stated herein, the Court hereby GRANTS AS MODIFIED the Motion for Preliminary Injunction and GRANTS the Request for Judicial Notice.

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1       **I. Background**

2           The Court provided the factual background and procedural history of this case in its prior  
3 Order Regarding Defendants’ Motion to Dismiss and the Parties’ Requests for Judicial Notice. ECF  
4 No. 67 (“MTD Order”). The Court therefore includes here only the background relevant to the  
5 instant Motion for Preliminary Injunction. ECF No. 58 (“Motion” or “Mot.”).

6           **A. Factual Background<sup>1</sup>**

7           Plaintiff the County of Los Angeles (“County”) is a political subdivision of the State of  
8 California and a charter county organized and existing under the constitution and laws of the State of  
9 California. Compl. ¶ 12. Plaintiff the People of the State of California (“People”; together with the  
10 County, “Plaintiffs”) brings this action by and through the County’s Office of the County Counsel.  
11 *Id.* ¶ 13. For simplicity, the Court will simply refer to “the County” throughout this Order.

12           Defendant Chiquita Canyon, LLC (“Chiquita LLC”) is a limited liability company organized  
13 and existing under the laws of the State of Delaware with its principal place of business in Texas. *Id.*  
14 ¶ 14. Defendant Chiquita Canyon, Inc. (“Chiquita Inc.”) is a corporation organized and existing  
15 under the laws of the State of Delaware with its principal place of business in Texas. *Id.* ¶ 15.  
16 Defendant Waste Connections US, Inc. (“Waste Connections”; together with Chiquita LLC and  
17 Chiquita Inc., “Defendants”) is a corporation organized and existing under the laws of the State of  
18 Delaware with its principal place of business in Texas. *Id.* ¶ 16. Waste Connections is the sole owner  
19 of Chiquita Inc., which in turn is the sole member of Chiquita LLC. *Id.* ¶¶ 18, 19. Waste  
20 Connections exercises significant control over Chiquita LLC and Chiquita Inc. *Id.* ¶ 17.

21           Chiquita LLC is the record owner of the 639-acre land at 29201 Henry Mayo Drive in the  
22 unincorporated community of Castaic, California. *Id.* ¶¶ 20, 23. Chiquita LLC obtained a conditional  
23 use permit (“CUP”) from the County to operate a landfill at the site (“Landfill”). *Id.* ¶ 21. Chiquita  
24 Inc. and Waste Connections also operate the Landfill. *Id.* Waste Connections’s employees operate  
25 the Landfill and represent the Landfill before regulatory and governmental entities. *Id.*

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28       <sup>1</sup>All facts stated herein are taken from allegations in the County’s Complaint (ECF No. 1) and the evidence in the record. These facts are included for background only.

1 The Landfill is experiencing a “Noxious Reaction”—a continuing, underground, smoldering  
2 reaction—which causes noxious odors and gases to be released into the surrounding communities.  
3 *Id.* ¶ 35. The Noxious Reaction began underground in May 2022 in an approximately 30-acre  
4 inactive area in the northwestern portion of the Landfill (“Reaction Area”). *Id.* ¶ 36. It has since  
5 grown in size. *Id.*

6 For close to two years, numerous Federal, State, and local agencies and governmental entities  
7 charged with protecting the communities’ air, water, health, and proper disposal of waste have  
8 investigated and engaged in enforcement efforts regarding the Noxious Reaction and its effects. *Id.* ¶  
9 56. These entities include the South Coast Air Quality Management District (“AQMD”); the  
10 California Environmental Protection Agency and four sub-departments, including the California  
11 Department of Resources, Recycling, and Recovery (“CalRecycle”), the Los Angeles Regional  
12 Water Quality Control Board (“Water Board”), the Department of Toxic Substances Control  
13 (“DTSC”), and the California Air Resources Board; the United States Environmental Protection  
14 Agency (“USEPA”); as well as the County’s Department of Public Health (“DPH”; certified by  
15 CalRecycle to act as the local enforcement agency for the Noxious Reaction) and Department of  
16 Regional Planning. *Id.* ¶ 57. In November 2023, these entities formed a Multi-Agency Critical  
17 Action Team (“MCAT”), led by the USEPA, to coordinate their investigations and enforcement  
18 efforts. *Id.* ¶ 58.

### 19 **B. Procedural History**

20 On December 16, 2024, the County filed suit. Compl. Plaintiffs allege the following causes  
21 of action: (1) Public Nuisance – Nuisance Per Se and (2) Public Nuisance. *See generally id.* The  
22 People allege (3) Violation of California Business and Professions Code section 17200, *et seq.*  
23 (“UCL”). *See generally id.* The County alleges (4) Violation of Los Angeles County Code sections  
24 1.23.010, *et seq.*, 22.02.030(B), 22.242.020–22.242.040. *See generally id.*

25 Plaintiffs seek the following relief:

- 26 (i) an injunction ordering Defendants to bring the Landfill into compliance with the Los  
27 Angeles County Code, the operative CUP, and all applicable laws and regulations of  
28 the various local, state, and federal regulatory entities;



- 1 (ii) an injunction requiring Defendants to subsidize the relocation of citizens living in  
2 proximity to the Landfill and who are affected by the Noxious Reaction;  
3 (iii) an injunction requiring Defendants to subsidize the remedial measures certain citizens  
4 are required to take to mitigate the effects they are suffering until the Noxious  
5 Reaction is extinguished (such as air purifiers, air filtration system, and assistance  
6 with utility bills);  
7 (iv) civil penalties against Defendants pursuant to Los Angeles County Code section  
8 1.23.090 and California Business and Professions Code sections 17206(a); and  
9 (v) attorneys' fees and costs of suit.

10 *See generally id.* Plaintiffs alternatively seek (vi) appointment of a receiver if Defendants fail to  
11 abate or are incapable of abating the violations at the Landfill. *See generally id.*

12 On April 3, 2025, the Court consolidated the instant action for discovery purposes only to *In*  
13 *re Chiquita Canyon Landfill Litigation*, Case No. 2:23-cv-08380-MEMF-MAR ("Lead Case"). ECF  
14 No. 42.

15 On February 28, 2025, Defendants filed a Motion to Dismiss. ECF No. 33. The Court issued  
16 the MTD Order on May 30, 2025. MTD Order. The Court limited any request for relocation  
17 subsidies to *temporary* relocation only. *Id.* at 22–24.

18 On May 29, 2025, the County filed the instant Motion. Mot. The Motion is fully briefed. *See*  
19 ECF Nos. 82 ("Opposition" or "Opp'n"), 87 ("Reply"). The parties also filed their respective  
20 evidentiary objections and responses thereto. ECF Nos. 82-9 ("Defendants' Evidentiary  
21 Objections"), 87-1 ("County's Evidentiary Objections"), 87-2 ("County's Responses"), 92-3  
22 ("Defendants' Responses").<sup>2</sup> Defendants also filed a Request for Judicial Notice, which the County  
23 has not opposed. ECF No. 84 ("RJN").  
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27 <sup>2</sup> Defendants filed an ex parte application for leave to file (1) a Sur-Reply and (2) the Defendants' Responses.  
28 ECF No. 92. The Court denied the ex parte application with respect to the Sur-Reply but granted as to the  
Defendants' Responses. *See* ECF No. 112.

1 On May 29, 2025, the County requested the Court conduct a Judicial Site Visit. ECF No. 56.  
2 On July 1, 2025, the Court conducted the Judicial Site Visit. *See* ECF No. 88 (sealed order regarding  
3 the Judicial Site Visit).

4 On June 30, 2025, Defendants filed two motions *in limine* and an ex parte application to  
5 shorten the time therefor. ECF Nos. 99–101. On July 7, 2025, the Court issued an order denying the  
6 motions *in limine* and the ex parte application. ECF No. 119.

7 On July 14 and 15, 2025, the Court held evidentiary hearings regarding the Motion.

8 On July 17, 2025, the Court held a hearing on the Motion.

9 **REQUEST FOR JUDICIAL NOTICE [ECF NO. 84]**

10 **I. Applicable Law**

11 A court may judicially notice facts that “(1) [are] generally known within the trial court’s  
12 territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy  
13 cannot reasonably be questioned.” Fed. R. Evid. 201(b). A court “must take judicial notice if a party  
14 requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2). Once a  
15 fact is judicially noticed, the court “must instruct the jury to accept the noticed fact as conclusive.”  
16 Fed. R. Evid. 201(f).

17 **II. Discussion**

18 Defendants ask this court to judicially notice Exhibits 1 to 10 because they are public  
19 records. In particular, Exhibits 1 and 2 are copies of letters between government officials. ECF Nos.  
20 84-1, 84-2. Exhibit 3 is a letter from the Los Angeles County Department of Regional Planning  
21 granting extension to Defendants regarding a notice of violation. ECF No. 84-3. Exhibit 4 is a copy  
22 of the 2024–25 Final Adopted Budget Charts for Los Angeles County. ECF No. 84-4. Exhibits 5, 6,  
23 7, and 8 are letters from Defendants or their attorneys to government employees. *See* ECF Nos. 84-5  
24 at 15–16, 84-6 at 20–21; 84-7 at 10, 84-8 at 12–13. Exhibits 9 and 10 are transcripts of South Coast  
25 AQMD hearings. ECF Nos. 84-9, 84-10. The County does not oppose the RJN.

26 The Court takes judicial notice of Exhibits 1 to 10 and the facts contained therein. The Court  
27 finds that it is undisputed that the exhibits are public documents available through the relevant  
28 government agencies and satisfy Federal Rule of Evidence 201(b). *See City of Sausalito v. O’Neill*,

386 F.3d 1186, 1223 n.2 (9th Cir. 2004) (recognizing that courts may take judicial notice of a state agency record that is not subject to reasonable dispute). Therefore, the Court will take notice of Exhibit 1 to 10, including the facts therein.

As such, the Court GRANTS the RJN.

**MOTION FOR PRELIMINARY INJUNCTION [ECF NO. 58]**

**I. Applicable Law**

A preliminary injunction is an extraordinary remedy never awarded as of right. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). “A plaintiff seeking a preliminary injunction must establish that [it] is likely to succeed on the merits, that [it] is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [its] favor, and that an injunction is in the public interest.” *Id.* at 20 (“*Winter Test*”). The Ninth Circuit also recognizes a “serious questions” variation of the *Winter Test*. *See All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). Under this variation, “a preliminary injunction is proper if there are serious questions going to the merits; there is a likelihood of irreparable injury to the plaintiff; the balance of the hardships tips sharply in favor of plaintiff; and injunction is in the public interest.” *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012).

A preliminary injunction is “an extraordinary and drastic remedy” and “should not be granted unless the movant, *by clear showing*, carries the burden of persuasion.” *All. for the Wild Rockies*, 632 F.3d at 1072 (emphasis in original) (quotations omitted). At this stage, the Court is only determining whether the County has met their burden for a preliminary injunction. *See Los Angeles Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1200 (9th Cir. 1980).

**Accordingly, this Order is not a final decision on the merits of any claim, nor is it a decision on the merits of the factual assertions either party made in support of any claim.**

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1       **II. Discussion**<sup>3</sup>

2           For the reasons discussed below, the Court finds that the County has carried its burden of  
3 persuasion under *Winter*. The Court, however, finds that the County has not adequately shown, at  
4 this stage, that the requested injunction is narrowly tailored. Therefore, the Court GRANTS AS  
5 MODIFIED the Motion.

6           **A.     The County Has Shown that It is Likely to Succeed on the Merits.**

7           The County argues that it has a “high likelihood of success” on the merits of each of their  
8 claims. *See generally* Mot. at 20–30. Defendants respond that, among other things, the County failed  
9 to establish causation, which is “a key element of each of the County’s claims.” Opp’n at 20. The  
10 Court finds that the County has established a likelihood of success on the merits for its nuisance per  
11 se claim.

12          To satisfy the first *Winter* factor, the moving party need only show that it is likely to succeed  
13 on the merits on *one* claim. *See League of Wilderness Defenders/Blue Mountains Biodiversity*  
14 *Project v. Connaughton*, 752 F.3d 755, 759 n.1 (9th Cir. 2014). Where a moving party seeks a  
15 mandatory injunction—i.e., requiring the other party “to take affirmative action”—the moving  
16 party’s burden on the first *Winter* factor is “doubly demanding,” as it “must establish that the law  
17 and facts *clearly favor*” its position.<sup>4</sup> *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015).

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20       <sup>3</sup> For this Order, the Court considered the parties’ evidentiary objections and the responses thereto. ECF Nos.  
21 82-9, 87-1, 87-2, 92-3. The parties’ objections appear to be boilerplate objections based on hearsay, lack of  
22 foundation/speculation, improper lay opinion, relevance, legal conclusion, and lack of reliability. A court  
23 “may consider inadmissible evidence on a motion for preliminary injunction.” *Puricle, Inc. v. Church &*  
24 *Dwight Co., Inc.*, 568 F. Supp. 2d 1144, 1147 (C.D. Cal. 2008) (quoting *Flynt Distrib. Co. v. Harvey*, 734  
25 F.2d 1389, 1394 (9th Cir.1984) (“The urgency of obtaining a preliminary injunction necessitates a prompt  
26 determination and makes it difficult to obtain affidavits from persons who would be competent to testify at  
27 trial. The trial court may give even inadmissible evidence some weight, when to do so serves the purpose of  
28 preventing irreparable harm.”)). In other words, when evidence is not presented in an admissible form at  
motion for preliminary injunction but could be later presented in an admissible form at trial, a court may still  
consider the evidence for the purposes of preliminary injunction motion. As such, the Court OVERRULES  
the parties’ evidentiary objections to the extent any evidence objected to is relied on herein.

<sup>4</sup> At the hearing, the Court sought clarification from Defendants whether this “doubly demanding” standard  
applies to all four *Winter* factors. In light of the Ninth Circuit’s guidance in *Garcia* and Defendants’ failure to  
provide authority to the contrary, the Court applies this “doubly demanding” standard on the first *Winter*  
factor only.

1 “[W]here the law expressly declares something to be a nuisance, then no inquiry beyond its  
2 existence need be made and in this sense its mere existence is said to be a nuisance per se. . . . [T]o  
3 be considered a nuisance per se the object, substance, activity or circumstance at issue must be  
4 expressly declared to be a nuisance by its very existence by some applicable law.” *Beck Dev. Co. v.*  
5 *S. Pac. Transp. Co.*, 44 Cal. App. 4th 1160, 1207 (Cal. 1996).

6 AQMD Rule 402, titled “Nuisance,” states: “A person shall not discharge from any source  
7 whatsoever such quantities of air contaminants or other material which cause injury, detriment,  
8 nuisance, or annoyance to any considerable number of persons or to the public, or which endanger  
9 the comfort, repose, health or safety of any such persons or the public, or which cause, or have a  
10 natural tendency to cause, injury or damage to business or property.” Similarly, California Health  
11 and Safety Code section 41700 provides: “Except as otherwise provided in Section 41705, a person  
12 shall not discharge from any source whatsoever quantities of air contaminants or other material that  
13 cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the  
14 public, or that endanger the comfort, repose, health, or safety of any of those persons or the public,  
15 or that cause, or have a natural tendency to cause, injury or damage to business or property.” Cal.  
16 Health & Safety Code § 41700(a). “Air contaminant” is defined as “any discharge, release, or other  
17 propagation into the atmosphere and includes, but is not limited to, smoke, charred paper, dust, soot,  
18 grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof.” *Id.* §  
19 39013.

20 AQMD has authority to enforce Defendants’ compliance with air pollution-related rules and  
21 laws. Amanda Sanders, the Air Quality Analysis and Compliance Supervisor at AQMD, has testified  
22 that AQMD has authority “to regulate air pollution from ‘all sources, other than emissions from  
23 motor vehicles.’” ECF No. 63 (“Sanders Declaration” or “Sanders Decl.”) ¶ 7. Under this authority,  
24 AQMD adopts rules and regulations related to controlling air pollution, as well as a permitting  
25 program “that requires most stationary sources of air pollution to obtain and comply with a permit  
26 that imposes certain limits on that source’s emission of air contaminants.” *Id.* It also enforces its own  
27 rules and regulations, including Rule 402 and California Health and Safety Code section 41700  
28 (“Section 41700”). Defendants operate the Landfill under a Facility-Wide Title V Permit, which is

1 issued and enforced by AQMD. *Id.* ¶ 12. AQMD is therefore authorized to enforce Defendants’  
2 compliance with Rule 402 and Section 41700. *Id.* During the evidentiary hearings and the hearing on  
3 the Motion, Defendants did not dispute AQMD’s authority.

4 AQMD’s numerous notices of violation (“NOVs”) warrant the finding of likelihood of  
5 success on the merits for the County’s nuisance per se claim. Starting in April 2023, AQMD has  
6 received more than 25,000 odor complaints from the communities around the Landfill. *Id.* ¶ 31. In  
7 the first quarter of 2025 only, AQMD received more than 1,600 complaints related to the Landfill,  
8 with most of the verified complaints coming from Val Verde, Live Oak, and Hasley Hills  
9 neighborhoods. *Id.* ¶ 32. These complaints report, among other things, that the residents “experience  
10 continual annoyance from the smells.” *Id.* ¶ 33. Based on such complaints, AQMD issued its first  
11 NOV on May 18, 2023, which described the violation at issue as “[f]or discharging such quantities  
12 of air contaminants to cause . . . annoyance to a considerable number of persons.” *Id.* ¶ 42; *see* ECF  
13 No. 63 at 20<sup>5</sup> (Exhibit 10) (May 18, 2023 NOV). As of late May 2025—nearly two years after the  
14 first NOV—AQMD has issued over 320 *additional NOVs* for violation of Rule 402 and Section  
15 41700. Sanders Decl. ¶ 45. During the evidentiary hearing, Sanders testified that AQMD issued 29  
16 NOVs in the first quarter of 2025. Insofar as AQMD has designated Rule 402 violations as a  
17 “Nuisance”—and deems an “annoyance” that endangers “comfort” or “repose” as a sufficient  
18 ground for finding nuisance and does not require there be an injury—and has issued hundreds of  
19 NOVs to Defendants for violating Rule 402 (and Section 41700, whose language closely mirrors that  
20 of Rule 402), the Court finds that the County has shown that the law and facts “clearly favor” its  
21 position that it is likely to succeed on the merits of its nuisance per se claim.<sup>6</sup>

22 Relying on *Citizens for Odor Nuisance Abatement v. City of San Diego*, Defendants argue  
23 that the County cannot establish causation merely on the fact that Defendants own or operate the  
24 Landfill. *See* 8 Cal. App. 5th 350, 359 (2017) (“Public nuisance liability does not hinge on whether  
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26 <sup>5</sup> Unless otherwise noted, when citing to the documents submitted by the parties, the Court cites to the page  
27 numbers generated by the CM/ECF system.

28 <sup>6</sup> Having found that there is a likelihood of success on the merits based on AQMD’s NOVs, there is no need  
for the Court to engage in separate analyses based on other agencies’ actions.

1 the defendant owns, possesses or controls the property, nor on whether he is in a position to abate the  
2 nuisance; the critical question is *whether the defendant created or assisted in the creation of the*  
3 *nuisance.*”) (citation modified) (emphasis in original). This argument—and the alleged fact that the  
4 parties have not yet identified the root cause of the Noxious Reaction—is of no moment given that  
5 causation is not an element of a *nuisance per se* claim. Notably, Defendants have not provided any  
6 authority compelling this Court to find that it is. *See* Opp’n at 20–22 (focusing on public nuisance  
7 claim).

8 As such, the Court finds that the first *Winter* factor weighs toward granting the Motion.

9 **B. The County Has Shown that the Residents Living Near the Landfill Are at an**  
10 **Imminent Risk of Irreparable Harm.**

11 The County argues that the County and the residents living near the Landfill will suffer  
12 irreparable harm if preliminary injunction is not granted. Mot. at 19 (“The Landfill reaction continue  
13 to expand . . . . [T]he problems persist and there is no end in sight.”), 25 (“Additionally, it is clear  
14 that the subsurface reaction has been and continues to be harmful to the health of the residents in the  
15 adjacent neighborhoods and communities surrounding the Landfill . . . .”). Defendants respond that  
16 the serious claims of irreparable harm call for serious evidentiary support, which the County has  
17 failed to proffer. Opp’n at 9–15 (discussing defects with the County’s evidence). The Court finds  
18 that the County has sufficiently shown the imminence of irreparable harm.

19 The party requesting injunctive relief must show “present or imminent risk of likely  
20 irreparable harm.” *Ctr. for Food Safety v. Vilsack*, 636 F.3d 1166, 1174 (9th Cir. 2011) (quoting  
21 *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 162); *see City of Los Angeles v. Lyons*, 461  
22 U.S. 95, 96 (1983) (“The equitable remedy is unavailable absent a showing of irreparable injury, a  
23 requirement that cannot be met where there is no showing of any real or immediate threat that the  
24 plaintiff will be wronged again—a ‘likelihood of substantial and immediate irreparable injury.’”).  
25 “[T]he party seeking the injunction must demonstrate that it will be exposed to some significant risk  
26 of irreparable injury. . . . A plaintiff must do more than merely allege imminent harm . . . , he or she  
27 must demonstrate immediate threatened injury as a prerequisite to preliminary injunctive relief.”  
28 *Associated Gen. Contractors of Cal., Inc. v. Coal. for Econ. Equity*, 950 F.2d 1401, 1410 (9th Cir.



1991) (citations omitted); *Caribbean Marine Servs. Co. Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (“Speculative injury does not constitute irreparable injury sufficient to warrant granting a preliminary injunction.”).

**1. The County’s Evidence is Admittedly Limited.**

The Court acknowledges the limits of the County’s evidence of imminent irreparable harm. For instance, to establish the imminence of harm to the residents living near the Landfill, the County relies on its online odor survey, but the Court finds the implications of the survey data more limited than the County’s contentions. *See* Mot. at 23–24. According to the survey analytics and insights, between late 2024 and as recently as May 2025, 1,246 responses were submitted, of which only 754 were “100% complete surveys.” ECF No. 60-1 (Exhibit 5) at 23; *id.* (“Campbell Declaration” or “Campbell Decl.”) ¶ 8 (counting the number of the responses at 754). Of the 1,246 total responses, only about 132 responses were submitted in 2025.<sup>7</sup> *Id.* Limiting the number of responses to between March and May 2025 in light of Defendants’ Community Relief Program having been terminated in February 2025, the number of responses decreases to approximately 85. ECF No. 60-1 at 23;<sup>8</sup> *see* Opp’n at 6 (explaining that Defendants closed its voluntary \$23.5 million relief program in February 2025). Although the survey data shows that the 2025 respondents reported “highly offensive” odors, ECF No. 60-1 at 24, sometimes as long as “more than twelve hours,” *id.* at 25, as frequently as “daily,” *id.* at 27, and that the odors impacted their daily activities “a lot,” *id.* at 30, the County provides no further details as to these responses—namely, they do not explain whether these responses were submitted by the residents who live nearest to the Landfill (i.e., those who would benefit from the injunctive relief sought here), how many families or households these responses represent, or whether these respondents experienced odors and/or related health issues continuously

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<sup>7</sup> The County does not specify how many of the 132 responses submitted in 2025 are “100% completed surveys.”

<sup>8</sup> Likewise, the County does not specify how many of these 85 post-February 2025 responses are “100% completed surveys.”

Moreover, the Court is not persuaded that regardless of the survey count (85, 132, 754, or 1,246), the results are from a representative sample because they are based on the *cumulative* responses, whereas the standard for preliminary injunction is to show the likelihood of *future* harm. *See* Opp’n. at 13.



1 or for the first time when they submitted their responses. The survey therefore fails to establish that a  
2 significant number of the residents whom the County seeks to have temporarily relocated are  
3 currently experiencing or likely to experience offensive odors.

4 Similarly, the County relies on air quality complaints to show the imminence of harm to the  
5 residents, but as the evidentiary hearing revealed, this data has its limits as well. Although Sanders  
6 testifies that “[f]rom the beginning of 2025 to May 2, 2025, South Coast AQMD has received over  
7 2,260 complaints [regarding air quality], and has issued 29 additional NOVs,” the County has failed  
8 to provide the details the Court has found lacking in the County’s survey data—whether those  
9 complaints were submitted by the residents who live nearest to the Landfill, how many families or  
10 households those complaints represent, or whether those complainants experienced odors and/or  
11 related health issues continuously or for the first time when they submitted their complaints. *See*  
12 Sanders Decl. ¶ 64.<sup>9</sup> Likewise, AQMD’s most recent Finding and Decision for a Modified Stipulated  
13 Order for Abatement does not provide such details. *See generally* ECF No. 63 at 461–562 (Exhibit  
14 18).

15 In an attempt to show a risk of harm to the broader public, the County relies on a variety of  
16 declarations and orders. For instance, Elizabeth Anne Berg of the DTSC represents that Defendants’  
17 recent data “confirms that settlement is occurring around leachate Tank Farm 9, which threatens the  
18 continued operation and integrity of the tanks and piping and threatens a release of hazardous  
19 waste.”<sup>10</sup> ECF No. 62-1 (“Berg Declaration” or “Berg Decl.”) ¶ 25; *see id.* at 22–23 (Exhibit 44,  
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21 <sup>9</sup> The Court notes that the issuance of 29 NOVs means that AQMD received approximately 180 verified  
22 complaints. *See* Sanders Decl. ¶¶ 19–21 (explaining the agency’s policies regarding issuing a notice of  
23 violation following receipt of complaints). However, the Court finds this number still limited, as the County  
24 has not explained where in relation to the Landfill these complainants are located, how many residents this  
25 number represents, or the severity of the odors these complainants reported.

26 <sup>10</sup> It appears to the Court that the County is also relying on the expansion of the subsurface reaction to argue  
27 that the remedial actions currently in place are insufficient to protect the public from harm and that future  
28 harm is likely. *See, e.g.,* Nakagawa-Ota Decl. ¶ 53 (“Given the expanding reaction, the geomembrane cover  
that was installed is no longer covering the entire reaction and it cannot reduce the odors from the reaction.”);  
deBie Decl. ¶ 39 (“Given the [subsurface elevated temperature (“SET”)] Event’s ongoing expansion, the  
membrane cover that was installed is no longer covering the entire reaction area, which means that odors are  
continuing to be emitted throughout the community.”); Berg Decl. ¶ 32 (“Given the continued expansion of  
the SET event, it is highly likely that the related impacts to the nearby communities discussed above will  
persist.”).

DTSC’s “Imminent and Substantial Endangerment Determination and Order,” ordering installation of a DTSC-approved landfill cover, “relocation and stabilization of containerized waste,” and installation of a vertical barrier to limit the subsurface elevated temperature event from spreading to other areas); *see also* ECF No. 65-1 (Exhibit 34, DPH and CalRecycle’s April 1, 2025 order regarding Tank Farm 9);<sup>11</sup> ECF No. 62 (“deBie Declaration” or “deBie Decl.”) ¶ 43 (discussing the same remedial actions). But the Court finds that many of the deadlines that these agencies have imposed on Defendants to submit workplans—i.e., not deadlines to complete the implementation of approved remedial actions—have not yet even passed. *See* ECF No. 62-1 at 23–24 (DTSC’s April 2025 order granting thirty- to ninety-day deadlines to submit workplans); ECF No. 62 at 124–25 (DPH and CalRecycle’s May 2025 order granting June, July, and August deadlines to submit workplans). Therefore, it remains to be seen whether the newly ordered remedial actions will adequately address the settlement (and the expansion of the subsurface reaction).

## **2. Despite the Limits, the County Has Shown Imminent Irreparable Harm.**

As a preliminary matter, the Court finds that offensive odors constitute irreparable harm. Defendants argue in general terms that “odorous emissions” are “not the kind of harm typically deemed irreparable for the purpose of granting a preliminary injunction,” Opp’n at 9 (quoting *Cmtys. for a Better Env’t v. Pac. Steel Casting Co.*, No. C06-4184 BZ, 2006 WL 4491437, at \*3 (N.D. Cal. Sept. 21, 2006)), but the Court finds this argument unavailing. First, the court in *Communities for a Better Environment* does not describe the kind or duration of the odor at issue; the court simply finds that the odorous emission at issue is insufficient. *See id.* Absent such an analysis, the Court does not find *Communities for a Better Environment* persuasive or otherwise compelling. Second, *Communities for a Better Environment* is not binding upon this Court; instead, the Court is bound by the holdings in *Gould & Kane v. Valterza* and *Williams v. Blue Bird Laundry Co.*, where state

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<sup>11</sup> Exhibit 34 was attached to the Declaration of Shikari Nakagawa-Ota of the DPH. *See* ECF No. 65 (“Nakagawa-Ota Declaration” or “Nakagawa-Ota Decl.”).

1 appellate courts found that offensive odors may constitute irreparable injury.<sup>12</sup> *See Gould & Kane v.*  
2 *Valterza*, 37 Cal. App. 2d 678, 680–81 (1940) (finding allegations that “stenches and offensive  
3 smells,” among other harms, from a hatchery are sufficient for irreparable injury); *Williams v. Blue*  
4 *Bird Laundry Co.*, 85 Cal. App. 388, 391 (1927) (finding allegations that the plaintiff’s “homes will  
5 be made uninhabitable by reason of the noxious fumes arising and emanating from said laundry and  
6 the operation of said laundry” sufficient for purposes of irreparable injury). As such, the Court finds  
7 that offensive odors, like the ones at issue in the instant action, warrant a finding of irreparable harm.

8       Insofar as the *odors continue*, the Court finds that the above-referenced limits in the County’s  
9 evidence do not preclude a finding of imminence. Defendants do not explain why a positive trend  
10 line in the odors or some demonstrated success in addressing the causes means that the residents are  
11 *not* at imminent risk of harm. The Court heard the testimony of the three individual plaintiffs who  
12 submitted declarations in support of the Motion—Steven Howse (ECF No. 59 (“Howse Declaration”  
13 or “Howse Decl.”)), Stephen D. Perera (ECF No. 59-1 (“Perera Declaration” or “Perera Decl.”)), and  
14 John Suggs II (ECF No. 29-2 (“Suggs Declaration” or “Suggs Decl.”))—and finds them to be highly  
15 credible.<sup>13</sup> In opposition, Defendants filed declarations from several residents from the Val Verde  
16 community and the Castaic community, many of whom testify either that they have not experienced  
17 “odors [they] believe are from the Chiquita Canyon Landfill” or that if they did, the odors were not  
18 so intense that they were prevented from doing outdoor activities or experienced health impacts. *See*  
19 ECF No. 82-3 (Exhibits 1 and 2 to “Shannon Declaration” or “Shannon Decl.”). But the fact that  
20

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21 <sup>12</sup> Defendants argue that the Court should disregard these two cases because they are “nearly 100 years old  
22 and did not address a mandatory preliminary injunction . . . .” Opp’n at 9 n.8. But these cases are good law;  
23 Defendants make no showing that these cases have been overruled. Moreover, other than arguing that  
24 “extreme or very severe damage” is needed for a mandatory preliminary injunction, Defendants do not  
25 provide any binding authority that odors cannot meet this standard.

26 Relatedly, the Court does not find Defendants’ argument that “general claims of emotional distress” are  
27 insufficient to establish irreparable harm unavailing, insofar as the two California appellate cases support the  
28 finding that offensive odors warrant irreparable harm. *See id.* at 12 (quoting *Brignac v. Clark Cnty. Scho.*  
*Dist.*, 2025 WL 1089498 (D. Nev. Mar. 5, 2025). Moreover, during the hearing, upon the Court’s inquiry into  
why emotional distress cannot support a finding of irreparable harm, Defendants pointed only to the County’s  
alleged failure to establish causation, and failed to provide any binding authority in support of their position.

<sup>13</sup> As such, the Court concludes that it has appropriately weighed the evidence. *Cf.* Opp’n at 13 n.16 (arguing  
that the County’s evidence is lacking).

1 some residents have not experienced the odors or are not as bothered by the odors they have  
2 experienced does not convince this Court that the residents who have spoken to these odors are not  
3 to be believed; Suggs testified during the evidentiary hearing that as of the morning thereof, he  
4 smelled foul odors from the Landfill, which immediately gave him a headache.

5 Similarly, the fact that there are questions about the County survey and the AQMD complaint  
6 data and that the monitoring data is inconsistent with the reports of these residents is of no moment,  
7 as it is also insufficient to convince this Court that the testimony of these individual plaintiffs should  
8 *not* be believed. In particular, during the evidentiary hearing, Defendants examined the credentials of  
9 AQMD inspectors and the kinds of training they undertake. But Defendants provide no authority  
10 requiring such government inspectors to be experts in odor science or landfill operation to  
11 successfully verify resident complaints. Rather, the Court heard from Sanders the processes through  
12 which AQMD inspectors verify complaints and finds no defect in the agency's processes such that it  
13 should find that the County has failed to demonstrate imminent irreparable harm.

14 Defendants also assert that because the County's evidence is based on subjective data, it is  
15 unreliable and therefore does not warrant the finding of imminence. *See* Opp'n at 9–15; *id.* at 12  
16 n.14. But Defendants provide no binding authority requiring any party moving for a preliminary  
17 injunction to base their arguments solely (or even largely) on objective data. Although Defendants  
18 rely on *Citizens for Odor Nuisance Abatement v. City of San Diego* to argue that “subject complaint  
19 data does not establish causation,” there, the court found that the declarations submitted by local  
20 citizens improperly attempted to establish causation through “mere temporal sequence,” which is not  
21 the case here, and Defendants proffer no other logical fallacy with the County's data. *See* 8 Cal.  
22 App. 5th at 363. Rather, as the Court found in its prior order denying Defendants' motions *in limine*,  
23 a court “may consider inadmissible evidence on a motion for preliminary injunction.” *Pucicle, Inc.*,  
24 568 F. Supp. 2d at 1147 (quoting *FlyntDistrib. Co.*, 734 F.2d at 1394 (“The urgency of obtaining a  
25 preliminary injunction necessitates a prompt determination and makes it difficult to obtain affidavits  
26 from persons who would be competent to testify at trial. The trial court may give even inadmissible  
27 evidence some weight, when to do so serves the purpose of preventing irreparable harm.”)). This  
28

1 Ninth Circuit precedent instructs the Court that it may consider even subjective and unreliable  
2 evidence, and this Court finds that doing so is appropriate in light of the facts of this case.

3 Defendants further argue that because the County has failed to provide long-term health  
4 impacts data, the Motion fails, but they provide no binding authority that long-term adverse health  
5 conditions are required to find irreparable harm. *See* Opp’n at 10–11.<sup>14</sup>

6 Lastly, Defendants argue that the finding of irreparable harm is “foreclosed” because the  
7 County could have spent, but did not use, “some of its \$47.9 billion annual budget . . . to pay for the  
8 purported nuisance and thereafter seek recovery,” but this argument fails. *See* Opp’n at 8–9; *id.* at 1  
9 (“[T]he County does not inform this Court that it has the legal authority to provide relocation and  
10 home hardening expense and seek reimbursement from Defendants after a trial on the merits or  
11 through its own enforcement mechanisms.”). Defendants do not provide any authority holding that a  
12 government entity’s refusal to take an abatement action should be construed against a finding of  
13 imminent irreparable harm on behalf of the entity’s constituents. More specifically to this case,  
14 Defendants do not explain why and how the County’s refusal to “pay first and seek reimbursement  
15 later” should preclude the finding that the odors continue in the surrounding communities. And nor  
16 can it, because, if Defendants’ argument were to be accepted, a party would never be able to  
17 demonstrate irreparable harm unless the party (or a governmental entity) took abatement into their  
18 own hands, even where the party may not have caused the harm in the first instance. As such, the  
19 Court is not persuaded that irreparable harm is “foreclosed” simply because the County did not pay  
20 for the abatement first.

21 In sum, although Defendants point to a number of potential problems with the County’s  
22 evidence, ultimately, even Defendants do not attempt to argue that the odors have ceased. In light of  
23 that fact, and given the length of time that the residents have been subjected to the odors, the  
24 arguments that the number of complaints has decreased, or that the surveys are improperly designed,  
25

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26 <sup>14</sup> It appears to the Court that Defendants rely on the “extreme or very serious damage” language from *Marlyn*  
27 *Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873 (9th Cir. 2009). But, again, Defendants do  
28 not explain, with binding authority, why offensive odors cannot constitute irreparable harm that meets the  
“extreme or very serious damage,” especially in light of the *continuing* odors in the communities surrounding  
the Landfill.

1 or that odor scientists would contradict the residents’ characterizations of the odor, do not cast doubt  
2 on the basic question of whether those residents who are experiencing, and continue to experience,  
3 offensive odors are likely to experience irreparable harm. The Court finds that *they are*. As such, the  
4 second *Winter* factor weighs in the County’s favor.

5 **C. The County Has Shown that the Balance of Equities Tips on Its Favor and that**  
6 **Temporary Relocation and/or Home Hardening is in the Public Interest.**

7 The County argues that the last two *Winter* factors—balance of equities and public interest—  
8 weigh in favor of the requested injunctive relief because the residents would otherwise “continue to  
9 experience serious adverse health effects and be unable to use their property.” Mot. at 30. It further  
10 contends that Defendants will not be harmed because the relief it seeks is “narrowly tailored to  
11 address the harm to those most severely impacted by exposure to the Landfill.” *Id.* at 30–31.  
12 Defendants respond that because the County has failed to show that the emissions caused health  
13 impacts and that other “nearby neighbors claim no impacts at all,” the two *Winter* factors weigh in  
14 their favor. Opp’n at 24. They further assert that the County has an alternative remedy (“pay for any  
15 necessarily relocation or home hardening” and “seek cost-recovery in the ordinary course of  
16 litigation”) and that their interests would be harmed if they “ultimately prevail on the merits”  
17 (because the money will have been spent without a way to seek recovery). *Id.* The Court finds that  
18 the final two *Winter* factors weigh in the County’s favor.

19 “Where the government is a party to a case in which a preliminary injunction is sought, the  
20 balance of the equities and public interest factors merge.” *Roman v. Wolf*, 977 F.3d 935, 940 (9th  
21 Cir. 2020). “The public interest analysis for the issuance of a preliminary injunction requires [courts]  
22 to consider whether there exists some critical public interest that would be injured by the grant of  
23 preliminary relief.” *Cal. Pharmacists Ass’n v. Maxwell-Jolly*, 596 F.3d 1098, 1114–15 (9th Cir.  
24 2010) (internal quotation marks and citation omitted).

25 Although the amount for the relief fund is subject to modification (as discussed in the section  
26 below), the Court finds that in light of the evidence before the Court concerning the nature, duration,  
27 and geographical breadth of the odor, the last two *Winter* factors favor establishing such a fund to  
28 enable and facilitate the temporary relocation or home hardening of the residents that are still



1 affected by the odors from the Landfill. Moreover, in light of the continued odors and their impact  
2 on the residents, i.e., imminent irreparable harm, Defendants’ argument that the County should wait  
3 until the resolution of the case fails, as doing so would only expose the residents to further harm.

4 **D. The County Has Not Shown that the Requested Injunctive Relief is Narrowly**  
5 **Tailored to Avoid the Alleged Harm.**

6 Finally, the Court addresses the *Winter* factor concerning whether the requested relief is  
7 narrowly tailored. The County seeks a fund of \$22,512,000 to relocate 938 households for six  
8 months at a rental rate of \$4,000 per month. Mot. at 31. For any fund not used for relocation, the  
9 County seeks to use them to harden complainants’ homes against the odor. *Id.* Defendants respond  
10 that the requested injunctive relief is overly broad and would not address the alleged harm. Opp’n at  
11 15–19. The Court finds that the requested relief is not narrowly tailored and therefore orders the  
12 parties to meet and confer to jointly propose a more narrowly tailored fund.

13 “A district court has inherent authority to modify a preliminary injunction . . . .” *A&M*  
14 *Records, Inc. v. Napster, Inc.*, 284 F.3d 1091, 1098 (9th Cir. 2002); *see also Melendres v. Arpaio*,  
15 784 F.3d 1254, 1265 (9th Cir. 2015) (holding that a “district court has broad discretion in  
16 fashioning” an injunctive relief to address constitutional violations).

17 The Court finds that the County has not demonstrated that the requested injunctive relief is  
18 an appropriate remedy for the alleged harm. Even assuming that \$4,000 is the best estimate for  
19 monthly rent around the Landfill, the County has not explained why *six months* are a sufficient time  
20 to abate the conditions at the Landfill, and it is not clear that the six month time frame accounts for  
21 current mitigation activity. Also, the County has not described in detail how it will administer the  
22 allocation of the fund.<sup>15</sup> Moreover, in light of the questions raised regarding the complaint data, the  
23 Court does not find that the County has sufficiently justified that *all* 938 households should be  
24 included when calculating the amount of the relief sought and/or that those households are the  
25 correct households. Accordingly, the Court is not persuaded that the fund as proposed is a “narrowly  
26

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27 <sup>15</sup> The County contends that the Campbell Declaration supports how to fashion the relocation payments, but  
28 the Campbell Declaration contains no testimony on this issue. *See generally* Campbell Decl. (discussing  
survey and complaint data results but otherwise silent on how to administer the abatement funds).

1 tailored” injunction to avoid the alleged irreparable harm.<sup>16</sup> *See Nat’l Wildlife Fed’n v. Nat’l Marine*  
2 *Fisheries Serv.*, 886 F.3d 803, 823 (9th Cir. 2018) (“A trial court abuses its discretion by fashioning  
3 an injunction which is overly broad.”) (internal quotation marks and citation omitted).

4 As such, the Court orders the parties to meet and confer and file a joint statement within  
5 thirty (30) days of this Order proposing a manner of more narrowly tailoring the injunction with  
6 respect to (1) the households to be included; (2) the availability of relocation versus home hardening;  
7 and (3) the duration of any relocation. Some factors that the parties may consider include (1) the  
8 number of households that filed a complaint with relevant government agencies for the odors related  
9 to the Noxious Reaction at the Landfill; (2) which households submitted complaints and where they  
10 were located; (3) any results from any additional surveys or questionnaires; (4) the reported severity  
11 and pervasiveness of the odors in the neighborhoods where the residents filed air quality complaints;  
12 and (5) the recency of the complaints filed.

13 With this, the Court finds that all four *Winter* factors favor the granting of the Motion.

14 **E. The Parties Are Ordered to Meet and Confer Regarding Whether the County is**  
15 **Required to Post a Bond.**

16 Defendants request a bond. *See* Opp’n at 24–25. The County responds that a government  
17 entity is exempt from making a bond but provides no binding authority.<sup>17</sup> *See* Reply at 6 n.2 (“Once  
18 an injunction issues, this Court may order separate briefing as to the terms of the abatement fund and  
19 if a bond is needed or required here.”). The Court orders the parties to meet and confer regarding  
20 whether the County is required to post a bond.

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21  
22 <sup>16</sup> Notwithstanding the conclusion that the amount is not narrowly tailored, the Court finds Defendants’  
23 argument that the relocation fund is not a proper equitable relief unavailing. *See* Opp’n at 8–9. Insofar as the  
24 purpose of the fund is to pay for relocation and/or home-hardening, the Court finds that it will serve the same  
25 function that typical injunctive relief would serve. Further, the caselaw that Defendants rely on to argue that  
26 the possibility of “adequate compensatory or other correct relief” should weigh heavily against a claim of  
27 irreparable harm concerned “temporary loss of income,” whereas here, the issue is offensive odors and related  
28 health effects, even if short-term. *See Sampson v. Murray*, 415 U.S. 61, 90 (1974) (“[I]t seems clear that the  
temporary loss of income, ultimately to be recovered, does not usually constitute irreparable injury.”).  
Moreover, at the hearing, Defendants, upon the Court’s inquiry, did not state one way or another whether they  
would prefer to coordinate the requested relocation and/or home-hardening on their own if the Court granted  
the Motion.

<sup>17</sup> The County did not provide any binding authority during the hearing as well.



1 “It is a well-settled rule that there can be no recovery for damages sustained by a wrongful  
2 issuance of a preliminary injunction in the absence of a bond.” *Buddy Sys., Inc. v. Exer-Genie, Inc.*,  
3 545 F.2d 1164, 1167 (9th Cir. 1976). But under California Code of Civil Procedure section 995.220,  
4 it appears that certain public entities, including a county, are “not required to give [a] bond and shall  
5 have the same rights, remedies and benefits as if the bond were given” “if a statute provides for a  
6 bond in an action or proceeding.” Code Civ. Proc. § 995.220.

7 The Court orders the parties to meet and confer and submit a written joint statement within  
8 seven (7) days of this Order regarding *whether* the County is exempt from the posting of a bond.<sup>18</sup>

9 **III. Conclusion**

10 For the foregoing reasons, the Court hereby ORDERS as follows:

11 1. The Motion for Preliminary Injunction (ECF No. 58) is GRANTED AS MODIFIED.

12 a. The parties are ORDERED to meet and confer and file a joint statement within thirty  
13 (30) days of this Order regarding a more narrowly tailored injunction as discussed  
14 above.

15 b. The parties are ORDERED to meet and confer and file a joint statement within seven  
16 (7) days of this Order discussing whether the County is exempt from the posting of a  
17 bond.

18 2. The Request for Judicial Notice (ECF No. 84) is GRANTED.

19  
20 IT IS SO ORDERED.



21  
22 Dated: August 29, 2025

23 MAAME EWUSI-MENSAH FRIMPONG

24 United States District Judge

25  
26 <sup>18</sup> The parties shall note that this joint statement is not to address whether the Court should order a bond, and,  
27 if so, in what amount. It should merely address whether the County is exempt. The Court will issue a separate  
28 order on whether the County is exempt, and, if it is not, request supplemental briefing as needed on whether  
the Court should order a bond, and, if so, in what amount once the Court considers the parties' joint  
statements on a more narrowly tailored injunction. *See* Section II.D, *supra*.

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# **Exhibit 7**

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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

THE PEOPLE OF THE STATE OF  
CALIFORNIA, by and through Dawyn  
R. Harrison, County Counsel for the  
County of Los Angeles, and THE  
COUNTY OF LOS ANGELES,

Plaintiffs,

v.

CHIQUITA CANYON, LLC, a  
Delaware limited liability company;  
CHIQUITA CANYON, INC., a  
Delaware corporation; WASTE  
CONNECTIONS US, INC., a Delaware  
corporation; and DOES 1-50, inclusive,

Defendants.

Case No. 2:24-cv-10819-MEMF (MARx)  
Related Case: 2:23-cv-08380-MEMF  
(MARx)

Hon. Maame Ewusi-Mensah Frimpong

**JOINT STATEMENT REGARDING  
SCOPE OF PRELIMINARY  
INJUNCTION**

Action Filed: December 16, 2024  
Trial Date: None Set

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1 **I. INTRODUCTION**

2 Pursuant to this Court’s August 29, 2025, Order Granting as Modified  
3 Plaintiffs’ Motion for Preliminary Injunction (Dkt. 153) (the “Injunction”), Plaintiffs  
4 the People of the State of California and the County of Los Angeles (collectively, the  
5 “County Plaintiffs”) and Defendants Chiquita Canyon, LLC, Chiquita Canyon, Inc.,  
6 and Waste Connections US, Inc. (collectively, “Chiquita Defendants”), having met  
7 and conferred as ordered by the Court, submit the following Joint Statement regarding  
8 a more narrowly tailored injunction under Federal Rule of Civil Procedure 65.

9 County Plaintiffs acknowledge that the Chiquita Defendants have filed an *Ex*  
10 *Parte* Application To Stay Further Consideration of Plaintiffs’ Motion for Preliminary  
11 Injunction (Dkt. 157), which has not yet been heard by this Court. As such, County  
12 Plaintiffs and the Chiquita Defendants submit this Joint Statement in compliance with  
13 the Court’s prior Order.

14 **II. THE COUNTY PLAINTIFFS’ POSITION**

15 **A. Scope of the Preliminary Injunction**

16 This Court’s Order requires the parties to meet and confer and jointly propose  
17 a more narrowly tailored abatement fund (see Order Granting as Modified Plaintiffs’  
18 Motion for Preliminary Injunction at p. 18, lns. 11-12) and to include a consideration  
19 of: (1) the households to be included; (2) the availability of relocation versus home  
20 hardening, and (3) the duration of any relocation.

21 **1. Households To Be Included**

22 **(a) South Coast AQMD Record-Setting Complaints**

23 The County Plaintiffs previously narrowed the scope of requested relief by  
24 focusing on those households most impacted. The Chiquita Canyon Landfill (the  
25 “Landfill”) is located in Castaic, California, with the community of Val Verde  
26 immediately adjacent to the Landfill’s northwest corner, while the greater Castaic  
27 community is located northeast of the Landfill. [Dkt. 64 [Exh. 45].] The County  
28 Plaintiffs requested relocation for the 938 households located in statistically

1 significant hot spots, representing those most impacted by the odors from the Landfill,  
2 based on an analysis of complaint data provided by South Coast Air Quality  
3 Management District (“South Coast AQMD”), as evaluated by Dr. Harold Campbell,  
4 Chief Data Officer of the County Department of Public Health.

5       These 938 households were culled down from the greater pool of 30,218  
6 complaints from the Val Verde and greater Castaic residents, registering odor impacts  
7 from the Landfill which includes 1600 complaints in the first quarter of 2025. [Dkt.  
8 60-1.] Indeed, the 938 households located within the designated hot spot areas  
9 generated a total of 13,357 complaints out of the total 30,2018 complaints, meaning  
10 that 44% of the total complaints about the Landfill arise from the designated hot spot  
11 areas. [See Exh. 6.] This shows that the hot spot areas represent almost half of all  
12 complaints made to South Coast AQMD about the Landfill, as these households sit  
13 the closest to the Landfill and accordingly, have been most impacted by the odors  
14 over the more than two years that the Landfill’s subsurface reaction has been emitting  
15 its noxious odors and foul leachate.

16       In order to narrow the extensive number of complaints, the County Plaintiffs  
17 offered testimony from Amanda Sanders of the South Coast AQMD, who testified  
18 regarding the complaint intake and investigation procedures, testifying that  
19 complaints made to South Coast AQMD regarding the odors generated by the Landfill  
20 were investigated, and that South Coast AQMD’s internal policy requires a  
21 determination that a “considerable number of persons” have been impacted so as to  
22 support issuance of a Notice of Violation. This threshold number required by the  
23 South Coast AQMD is six individual complaints within a 24-hour time period, made  
24 by separate households, which complaints have been verified by an inspector. [Dkt.  
25 63.] Translated this means that any Notice of Violation issued by South Coast AQMD  
26 resulted from an investigation verifying the complaint and tracing it back to the  
27  
28



1 Landfill. [Dkt. 63.] And, over the course of the time period there were over 320<sup>1</sup>  
2 NOVs issued from Jan. 1, 2023 to April 23, 2025. This was the largest number of  
3 complaints and NOVs arising from a single violator ever in the fifty-year history of  
4 the South Coast AQMD.

5 **(b) Dr. Campbell's Hot Spot Analysis**

6 To identify the areas that carry the most severe impacts from the odors  
7 emanating from the Landfill, Dr. Campbell analyzed the “complaints South Coast  
8 AQMD has received for the time period January 1, 2023 through April 23, 2025 that  
9 identify the Landfill as a source of odor.” [Dkt. 60-1.] He narrowed those complaints  
10 from the initial complaints to include only those that, following an investigation,  
11 resulted in the issuance of a Notice of Violation. [Dkt. 60-1.] By considering only  
12 the complaints that resulted in a Notice of Violation, the pool of those alleging impacts  
13 from the Landfill’s odors narrowed significantly from the initial 30,218 complaints to  
14 those complaints that were verified and resulted in issuance of a Notice of Violation.  
15 [*Id.*]

16 Dr. Campbell’s analysis also determined that the South Coast AQMD data shows  
17 that there are “statistically significant spatial clusters of complaints that resulted in  
18 NOVs” focused in Val Verde and Castaic, with approximately 938 households in  
19 those areas most impacted by the odors from the Landfill. [Dkt. 60-1.] Dr. Campbell  
20 provided a map of those statistically significant spatial clusters, or hot spots,  
21 consisting of 938 households in Val Verde and Castaic. [Dkt. 61, map; see also Exh.  
22 1, list of 938 addresses<sup>2</sup> (the “Eligible Households List”).] These 938 Eligible  
23

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24 <sup>1</sup> While the Landfill’s the conditional use permit (Condition 69) specifically provides  
25 it is a violation to have more than 4 NOVs issued in a calendar year, the Landfill  
26 exceeded that number many times over (and continues to do so). [See Exh. 46 at ¶ 69,  
p. 35.]

27 <sup>2</sup> The list of addresses is found in the prior Excel spreadsheets found at Exhs. 109-  
28 111. This is not new or supplemental data but was provided to the Chiquita

1 Households include approximately 491 in the Val Verde hot spot area and 447 in the  
2 Castaic hot spot area. *Id.* And Dr. Campbell explained that based on this statistical  
3 analysis there is a 99% probability that households in the shaded hot spot areas are  
4 experiencing odors from the Landfill. The fact that not each and every one of the 938  
5 households may have registered a complaint does not undermine Dr. Campbell's  
6 conclusions, as the Chiquita Defendants seem to urge. As a general matter, not all  
7 individuals may have time to call and register a complaint with South Coast AQMD.  
8 First, many working families simply cannot allocate the time to wait for the inspector  
9 to come out to verify the complaint. Furthermore, some residents who know that their  
10 neighbor(s) are lodging complaints, may not lodge one themselves. Others no doubt  
11 are suffering from complaint fatigue and feelings of helplessness after reaching the  
12 30,000-complaint mark without the cessation of the Landfill odors. Indeed, given that  
13 the Landfill has been generating putrid odors for more than two years, the more than  
14 3,000 individual plaintiffs suing the Chiquita Defendants most likely have determined  
15 that litigation is the only effective means to require the Chiquita Defendants to put an  
16 end to these noxious odors.

17 These hot spots are consistent with the complaint data, showing that the areas  
18 making the most complaints and generating the most Notices of Violation due to  
19 Landfill odors are those contained in the hot spots. The County Plaintiffs attach maps  
20 showing the location of the complaints made between January 2023 and April 2025,  
21 with complaints marked in yellow and Notices of Violation in red. [See Exh. 2, Map  
22 of SCAQMD Complaints – Jan. 6, 2023 to April 23, 2025<sup>3</sup>.] When the map is zoomed  
23

24 Defendants months ago, as part of the initial South Coast AQMD data. Indeed, the  
25 Chiquita Defendants provided these spreadsheets to Dr. Marais to analyze, and were  
26 previously offered to the Court during the July evidentiary hearing on this preliminary  
injunction motion.

27 <sup>3</sup> The maps found at Exhibit Nos 2, 3, and 4 are all generated from this same set of  
28 South Coast AQMD data that the Chiquita Defendants have had for months and that

1 in on the community of Val Verde, located immediately adjacent to the Landfill, the  
2 yellow dots show the location of the complaints, while red dots are the location of  
3 addresses making complaints resulting in Notices of Violation. [Exh. 3, Map of  
4 SCAQMD Complaints – Val Verde Detail– Jan. 6, 2023 to April 23, 2025.] A similar  
5 map is provided for the Castaic area located adjacent to the Landfill. [Exh. 4, Map of  
6 SCAQMD Complaints – Castaic Detail – Jan. 6, 2023 to April 23, 2025.]

7 **(c) Severity of the Complaints**

8 The data provided by the South Coast AQMD also contains notes regarding the  
9 nature of the complaints and describing the severity of the odors being experienced  
10 from the Landfill. The County Plaintiffs have sorted the previously provided Excel  
11 spreadsheets that are part of the evidentiary record to highlight same and these are  
12 attached as Exhibit 6. Some examples of the comments by the residents including:  
13 “rotten egg, heavy sulfur smell”; “heavy gas odor, nauseating”; “putrid landfill gas”;  
14 and “toxic chemical odor”.

15 It is also important to note that when the Landfill’s subsurface noxious reaction  
16 began, it covered approximately 30 acres – it has now grown to the point that the  
17 regulatory agencies have required the Chiquita Defendants to cover over 100 acres.  
18 There is currently no containment of subsurface reaction sending out the foul odors  
19 that the greater Castaic residents are enduring.

20 The County Plaintiffs therefore suggest that in considering eligibility for relief,  
21 those located geographically closest to the Landfill be given priority, to wit: Val  
22 Verde, followed by Castaic.

23  
24  
25  
26  
27 was provided to the Court for the July evidentiary hearing. The protestations to the  
28 contrary by the Chiquita Defendants are simply unfounded.

1                   **2. The County Plaintiffs Propose A Tiered System of Eligibility**  
2                   **for Relief from Landfill Odors**

3           Once the abatement fund is established by the Chiquita Defendants, temporary  
4 relocation relief should be offered in a tiered fashion, with priority going to the 938  
5 households in the hot spots [see Exh. 1] based on geographic proximity to the Landfill  
6 and attestation that they are currently experiencing odor impacts from the Landfill.  
7 Residents in Val Verde or Castaic that are on the Eligible Households List should be  
8 offered priority to relocate. Should funds remain in the abatement fund after these  
9 households have relocated, home hardening may be offered to residents in Val Verde  
10 or Castaic that are on the Eligible Households List that did not relocate. After the  
11 priority residents on the Eligible Households List have been offered the opportunity  
12 to relocate or for home hardening, any remaining available abatement funds could be  
13 allocated to any of the 2,476 households that made complaints resulting in NOVs, to  
14 allow for home hardening.

15           The County Plaintiffs suggest that Kroll, the administrator of the Chiquita  
16 Defendants' prior home hardening abatement fund, could be selected to operate the  
17 temporary relocation fund, including determining eligibility for relief based on the  
18 terms of the Preliminary Injunction, and supervising the payment of rent going  
19 directly to landlords accepting relocated residents, or paying a vendor directly to  
20 complete home hardening for those eligible. By having the Chiquita Defendants'  
21 administrator make payments directly to landlords or home hardening vendors, the  
22 Chiquita Defendants can ensure that the abatement funds are used properly and are  
23 traceable<sup>4</sup>.

24  
25 <sup>4</sup> The Chiquita Defendants have suggested that the program require residents to bear  
26 these costs themselves and then submit receipts to seek reimbursement at a later time,  
27 but such a program is not feasible for many of these households. Moreover, allowing  
28 a vendor to be selected to complete home hardening at scale would offer cost  
efficiencies. Notably, the Chiquita Defendants' prior home hardening program

1 Such an abatement fund for temporary relocation of residents has been ordered  
2 previously as injunctive relief in response to the Porter Ranch gas leak. *See, e.g., S.*  
3 *California Gas Leak Cases*, 7 Cal. 5th 391, 396 (Cal. 2019) (discussing history of the  
4 Porter Ranch gas leak disaster and subsequent litigation, noting that “[a]bout 15,000  
5 people were relocated in total, scattering to locations dozens — and in some cases  
6 hundreds — of miles away.”)<sup>5</sup>.

7 In 2015, the Porter Ranch court approved program provided for temporary  
8 relocation or home hardening for the various residents impacted by what was the  
9 single worst natural gas leak in the United States, arising from a leak in a Southern  
10 California Gas Company (“SoCal Gas”) underground storage facility at Aliso  
11 Canyon. The County Plaintiffs have provided a copy of the Porter Ranch Program  
12 that was adopted back in 2015, and request judicial notice of same. The Porter Ranch  
13 program was administered by SoCal Gas, and eligible residents needed simply to  
14 attest under penalty of perjury that they were within the defined geographic area and  
15 were experiencing symptoms from the odors from the Aliso Canyon gas leak. The  
16 Porter Ranch Program, like the suggested abatement program here, allowed for  
17 residents who wanted to relocate temporarily to do so with reimbursement for  
18 alternative housing at a rate up to \$7500 per month. The Porter Ranch Program also  
19 offered the opportunity to obtain air purification and filtration systems to offer relief  
20 for those residents who preferred to remain in their homes and for those residents who

21  
22  
23 simply provided money to residents, without any requirement that receipts or other  
24 support regarding the use to which residents put that money be submitted to the  
Chiquita Defendants. [Dkt. 82-2.]

25 <sup>5</sup> The Chiquita Defendants again misstate the record; the County Plaintiffs previously  
26 cited the California Supreme Court decision relating to the Porter Ranch disaster.  
27 [Dkt. 87, ID 14981.] Indeed, the County Plaintiffs have mentioned this during prior  
28 Court proceedings, during a status call with appointed discovery referee Retired Judge  
Dan Buckley, and during the parties’ meet and confer. This is hardly a new issue.

1 found relocation too difficult for their household.<sup>6</sup> [See County's Request for Judicial  
2 Notice, Exh. A, at pp. 14, 16-20-, 31.]

3 The County Plaintiffs suggest that a similar program should be utilized here,  
4 with residents opting into the relocation or home hardening reimbursement by self-  
5 attesting regarding their home location (i.e., an address on the Eligible Households  
6 List, or on the South Coast AQMD list showing a Notice of Violation associated with  
7 the address) while payments are provided directly to landlords or vendors installing  
8 home hardening features.

9 **3. The Abatement Fund Should Allow for Six Months of**  
10 **Relocation, Subject to Changes Based on the Chiquita**  
11 **Defendants' Progress in Abating the Nuisance**

12 The nuisance at the Landfill has been growing over the last two and a half years,  
13 with complaints about odors remaining and orders from regulatory agencies issuing,  
14 including the Department of Toxic Substances Control's Imminent and Substantial  
15 Endangerment Order.<sup>7</sup> In an attempt to abate the nuisance, the Chiquita Defendants  
16 have agreed to install additional geomembrane covers over an additional  
17 approximately 100 acres at the Landfill. [Exh. 5, August 15, 2025 letter re Chiquita  
18 Canyon LLC's Response to U.S. EPA's, DTSC's, and the LEA's Requirement to  
19 Expand the Geomembrane Cover.] The Chiquita Defendants anticipate installing that

20 \_\_\_\_\_  
21 <sup>6</sup> The County recognizes that many residents may find relocation of their families  
22 from their established communities, schools, and employment may not be feasible.  
23 Accordingly, a tiered system is structured to accommodate those issues while still  
providing a level of relief to families in the vicinity of the Landfill.

24 <sup>7</sup> The County has obtained and provided to the Chiquita Defendants the more recent  
25 South Coast AQMD data for the period April 23, 2025 through September 3, 2025,  
26 should the Court determine it would like to view these complaints received during the  
27 pendency of the County Plaintiffs' preliminary injunction motion. The Chiquita  
28 Defendants have objected to the possible provision of this supplemental information  
to the Court and, accordingly, in an abundance of caution, the County Plaintiffs have  
not submitted same.

1 additional cover over 100 acres at the Landfill in phases. By November of 2025, the  
2 Chiquita Defendants anticipate installing the first 15 acres of the new, expanded  
3 geomembrane cover. Between November 2025 and April 2026, the Chiquita  
4 Defendants project that they will be able to repair about 16 acres of the existing  
5 geomembrane. Following the completion of the repairs, the Chiquita Defendants  
6 anticipate installing an additional 60 acres in phases to be completed by November  
7 2026. The Chiquita Defendants do not yet know when they will install the final 25  
8 acres.

9       Given the Chiquita Defendants' proposed timeline to install a larger  
10 geomembrane cover over the subsurface reaction generating the foul odors at the  
11 Landfill, which is not projected for completion until November of 2026, an initial six-  
12 month duration for relocation is reasonable when the expansion of the geothermal  
13 membrane is estimated to take another fourteen months to complete. The County  
14 Plaintiffs may apply to the Court for an extension of the term, depending on the  
15 progress of the Chiquita Defendants' installation of the expanded geomembrane  
16 cover.

17       As well, the County Plaintiffs note that an extension of the abatement fund past  
18 six months likely would implicate only those homeowner residents that select  
19 relocation. And then, any tenant residents who select relocation would be eligible  
20 only to the end of their existing lease. While any resident that selects home hardening  
21 likely would require initial costs to install measures at doors, windows, and vents to  
22 prevent odors from entering the residence, but after the initial home hardening, the  
23 residents may only need new filters or other modest investments to keep odors out of  
24 their homes.

25       As a result, the County Plaintiffs suggest that an initial term of six months for  
26 relocation is appropriate and reasonable.



**B. Chiquita Defendants’ Jurisdictional Argument Fails**

Chiquita claims this Court lacks jurisdiction to issue any further order in this action because such order would constitute a modification of injunction. Joint Statement, III.A.1, p. 10, lines 21-22 (“the Court lacks jurisdiction to issue any further order *modifying* the scope of the injunction” [emphasis added]), p. 11 (“any ruling setting or *modifying* the scope of the injunction would overlap with the very legal and factual issues now before the Ninth Circuit.” [emphasis added]). Chiquita is wrong.

This Court has not issued a preliminary injunction. Therefore, it follows that any order issued cannot be a “modification” of a previously issued order that does not exist. This critical fact distinguishes this action from the cases cited by Chiquita. In both *Flynt Distrib. Co. v. Harvey*, 734 F.2d 1389 (9th Cir. 1984) and *Small v. Operative Plasterers’ & Cement Masons’ Int’l Ass’n Loc. 200, AFL-CIO*, 611 F.3d 483 (9th Cir. 2010), the district court issued a preliminary injunction order enjoining the defendants from taking specific actions, an interlocutory appeal from that pi order was filed, and the district court subsequently issued an order modifying its original preliminary injunction order, which it had no jurisdiction to do.

Similarly, Chiquita’s claim that this Court has no jurisdiction “over the aspects of this case on appeal” (Joint Statement, III.A.1, p. 10, lines 25-26), misconstrues both the issues on appeal and this Court’s continued work on fashioning a narrowly tailored preliminary injunction. The Order on appeal deals *exclusively* with the four *Winter* factors that must be met for a preliminary injunction to issue. The scope of the preliminary injunction, which the Court is now addressing, was not addressed in the August 29th Order; thus, *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56 (1982) does not limit this Court’s jurisdiction.<sup>8</sup>

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<sup>8</sup> Chiquita’s remaining arguments address the Court’s discretion to stay further consideration of the County’s preliminary injunction motion, none of which have merit. The County will fully address these arguments in its Opposition to Defendants’



**III. THE CHIQUITA DEFENDANTS' POSITION**

**A. The Court Should Refrain From Entering a Further Scope Order**

**1. Chiquita's Appeal Divests this Court of its Jurisdiction**

As argued in Chiquita's pending *Ex Parte* Application to Stay Further Consideration of Plaintiffs' Motion for Preliminary Injunction that was filed on September 22, 2025 (Dkt. 157),<sup>9</sup> the Court lacks jurisdiction to issue any further order modifying the scope of the injunction because Chiquita's appeal of the Order to Issue a Preliminary Injunction as Modified ("Order") is pending before the Ninth Circuit. Once a notice of appeal is filed, jurisdiction is vested in the court of appeals, and the district court loses authority over the aspects of the case on appeal. *See Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). The Application demonstrates that any ruling setting or modifying the scope of the injunction would overlap with the very legal and factual issues now before the Ninth Circuit. *See Flynt Distrib. Co. v. Harvey*, 734 F.2d 1389, 1392, n.1 (9th Cir. 1984) (district court lacks jurisdiction to "modify and supersede" its order after notice of appeal).

The narrow exceptions to this rule—addressing ancillary issues or preserving the status quo while the appeal is pending—do not apply. Defining the injunction's scope is not ancillary and would alter, rather than preserve, the status quo. *See, e.g., Small v. Operative Plasterers' & Cement Masons' Int'l Ass'n Loc. 200, AFL-CIO*, 611 F.3d 483, 495 (9th Cir. 2010) (vacating modification to preliminary injunction that

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Ex Parte Application to Stay Further Consideration of Plaintiffs' Motion for Preliminary Injunction which will be filed on October 1, 2025.

<sup>9</sup> To date the County has not opposed the Application (though it intends to do so) and the Court has not issued any orders regarding the Application.

1 removed one provision of injunction because it altered the status quo from when the  
2 appeal was filed); *Irvine Unified Sch. Dist. v. Landers*, 2023 WL 8888630, at \*3 (9th  
3 Cir. Dec. 26, 2023) (no error for district court to address motion for attorneys’ fees  
4 that did not overlap with issues on appeal); *Perry v. City & Cnty. of San Francisco*,  
5 2011 WL 2419868, at \*1 (9th Cir. Apr. 27, 2011) (district courts can decide ancillary  
6 issues unrelated to the merits, such as protective orders). Here, the Order requires the  
7 parties to meet and confer, but the Court has not determined the amount Chiquita must  
8 pay, which residents may qualify for relocation, and which residents may qualify for  
9 some other payment. Any subsequent order would necessarily change, not preserve,  
10 the status quo.

11 Moreover, the Ninth Circuit is reviewing the foundation of the preliminary  
12 injunction itself, including:

- 13 (i) whether the Court properly applied the *Winter* factors and complied with
- 14 Rule 65;
- 15 (ii) whether alleged odors constitute irreparable harm and are also sufficient to
- 16 support mandatory relief; and
- 17 (iii) whether the County’s showing of likelihood of success was legally
- 18 sufficient absent evidence of causation.

19 If the Ninth Circuit finds error on any of these points, the injunction would be vacated,  
20 rendering moot any actions by this Court or the parties after the appeal was filed.

21 Chiquita’s Appeal also challenges the Court’s decision to bifurcate its rulings  
22 by finding the four *Winter* factors were met while deferring the tailoring of the  
23 injunction. By failing to specify the scope of relief, the Court was unable to (and did  
24 not) properly assess equitable considerations requisite to granting relief. The Supreme  
25 Court demands district courts to “balance the competing claims of injury and must  
26 consider the effect on each party of granting or withholding the requested [injunctive]  
27 relief.” *Winter*, 555 U.S. at 24. Such balancing cannot be completed without knowing  
28

1 the scope of the ordered relief. Any subsequent scope order issued by this Court would  
2 necessarily flow from, and depend on, that bifurcation, which is itself on appeal.

3 Accordingly, jurisdiction over this injunction now lies with the Ninth Circuit,  
4 and the Court should refrain from entering any further scope order.

5 **2. Chiquita Objects to the Process Directed in the Order**

6 Given the pending appeal and the procedural impropriety of separating the  
7 scope of the injunction from the threshold *Winter* analysis, Chiquita objects to the  
8 Court-ordered joint statement process. Chiquita's participation in this process is  
9 without waiver of its objections or arguments regarding its impropriety, and Chiquita  
10 reserves the right to challenge both the Court's August 29 Order and any subsequent  
11 order regarding the preliminary injunction.<sup>10</sup>

12 **B. The Evidence in the Record Does Not Support the County's**  
13 **Requested Relief, Which is Identical to the Relief the County**  
14 **Sought in the PI Motion and the Court Already Rejected**

15 The Court found that the County did not show that the requested relief is  
16 narrowly tailored and ordered the County to "propose a more narrowly tailored fund."  
17 Dkt. 153 at 18. The County's current proposal does not comply with that order in that  
18 it does not propose a narrower scope for a preliminary injunction. Instead, the County  
19 requests the exact same sweeping relief that the Court already rejected: \$22,512,000  
20 to relocate 938 households for six months and/or to fund "home hardening" of the  
21 2,476 households that filed odor complaints with SCAQMD that resulted in an NOV.  
22 Compare Proposed Order *with* Dkt. 58-1 at 31-32.<sup>11</sup> While the Court recognized that  
23

24 <sup>10</sup> The Chiquita Defendants reserve their right to provide supplemental briefing on the  
25 need for a bond. *See* Dkt. 153 at n.18.

26 <sup>11</sup> The County's claim that their initial request for relief for 938 homes had already  
27 been narrowed from a larger set of homes misses the mark. Pg. 3. The Court asked  
28 the County to narrow the scope of the requested relief from 938 homes because there  
was insufficient evidence to support relief for all of those homes. It is of no moment

1 the County's evidence does not support such expansive measures, nothing has  
2 changed in the County's request, and its evidence remains deficient, just as this Court  
3 already recognized. Dkt. 153 at 18.<sup>12</sup>

4 The Court's Order concluded that the online health survey "fail[ed] to establish  
5 that a significant number of the residents whom the County seeks to have temporarily  
6 relocated are currently experiencing or likely to experience offensive odors." Dkt. 153  
7 at 12. Likewise, the Court concluded that the SCAQMD complaints did not show  
8 "whether those complaints were submitted by the residents who live nearest to the  
9 Landfill, how many families or households those complaints represent, or whether  
10 those complainants experienced odors and/or related health issues continuously or for  
11 the first time when they submitted their complaints." Dkt. 153 at 12. The Court further  
12 found no evidence supporting the six-month relocation period. Dkt. 153 at 18.

13 Because of these evidentiary gaps, the Court held that the County had not  
14 "sufficiently justified that *all* 938 households should be included when calculating the  
15 amount of the relief sought and/or that those households are the correct households"  
16 and concluded that the County's proposed fund was not "a 'narrowly tailored'  
17 injunction to avoid the alleged irreparable harm." Dkt. 153 at 18-19 (emphasis in  
18 original).

19 These deficiencies are dispositive to the County's renewed request, and the  
20 record contains no data that would enable the County to cure them or narrow the scope  
21 of its requested relief. Further, the County's requested relief and subjective evidence  
22

23 \_\_\_\_\_  
24 that there are additional homes outside of the hot spots or that have made a complaint  
to SCAQMD.

25 <sup>12</sup> The County now seeks to supplement the evidentiary record by attaching six  
26 exhibits and includes a request for judicial notice in its portion of the joint statement.  
27 Such attempts to expand the record are improper, and that evidence should not be  
28 considered by the Court. *See* Section C, *infra*. Even if considered, it does not support  
the relief the County requests.

1 is contrary to the objective air monitoring data showing there is no irreparable harm  
2 to these communities. Dkt. 82 at 10:8-11:14; Dkt. 83 at ¶¶ 39, 42, 81, 96 (Perez  
3 Declaration); Dkt. 82-4 at ¶ 41, 66, 70 (Pleus Declaration). Defendants discuss below  
4 in detail the key flaws with the County's evidence with respect to the three points the  
5 Court asked the parties to address with respect to the scope of relief: (1) households to  
6 be relocated; (2) relocation versus home hardening; (3) and duration of relief.

7 **1. The Record Lacks Evidence Regarding What Households**  
8 **Require or Desire Relocation**

9 The Court has already recognized that the SCAQMD complaint data failed to  
10 show whether the complaints were submitted by the residents living nearest the  
11 Landfill or how many families or households those complaints represent.<sup>13</sup> Dkt. 153  
12 at 12. The County did not provide a list of addresses or parcel numbers for the 938  
13 households it seeks to relocate before the evidentiary record closed, leaving no way  
14 to compare those households with complainants who filed that odor reports with  
15 SCAQMD that resulted in an NOV. Dkt 139 at 243:12-244:2.<sup>14</sup> While the County  
16 now attempts to supplement the record with a list of the 938 addresses (information  
17 available to it at the time of the PI and requested by Defendants then), the County  
18 fails to disclose that only 165 of the 938 households filed even a single complaint that  
19 lead to NOV between 2023 and 2025 (meaning that 773 of the households never filed  
20

21 <sup>13</sup> The DPH online survey provides no insights as to what specific households should  
22 be relocated. The online survey is anonymous, does not ask for an individual's  
23 address, and respondents can complete the survey multiple times. Dkt. 139 at 215:3-  
24 216:2.

25 <sup>14</sup> The County argues that this list was included within prior spreadsheets and  
26 therefore is not new and supplemental data. See *infra* FN 2. However, this is bald  
27 misrepresentation. The spreadsheets referenced at Exhibits 109-111 consist solely of  
28 complaint data received from SCAQMD. The County consistently refused to provide  
Defendants with the list of 938 addresses during the preliminary injunction  
proceedings.

1 such a complaint). This number is reduced even further based on recent complaint  
2 data. Only 36 addresses on the list filed a complaint leading to an NOV in 2025. And  
3 just ten of those addresses filed more than 2 complaints in 2025. In short, this new  
4 evidence makes it even clearer that the County's request to relocate 938 homes is  
5 grossly overbroad.<sup>15</sup>

6 The County relies on Dr. Campbell's "hot spot" analysis to identify the 938  
7 households it proposes to relocate. But that analysis does not establish that the  
8 households the County seeks to relocate are experiencing odors.<sup>16</sup> As Dr. Marais  
9 explained, the "hot spots" are easily manipulable and are based on arbitrary inputs,  
10 rendering them unreliable.<sup>17</sup> Dkt. 121 at ¶¶19-21, 29. Even small changes to the  
11 complaint data can drastically alter the minimum bounding geography, significantly  
12 shifting the size and location of the resulting "hot spots"—and thus the number and  
13 location of households within those hot spots. The manipulability demonstrates that  
14 these hot spots cannot be used to show the Court how households near the Landfill  
15 experience odors. For example, removing two verified odor complaints located  
16 approximately seven miles from the Landfill and not near the location of any other  
17 odor complaints connected to the Landfill significantly reduced the size of the Val  
18 Verde hot spot and eliminated the Castaic hot spot entirely. Dkt. 121 at ¶ 24; *see also*

19  
20 <sup>15</sup> With additional time, Chiquita's experts could provide a more detailed analysis of  
21 this data.

22 <sup>16</sup> The County misrepresents the statistical significance of Dr. Campbell's analysis. It  
23 claims that "based on this statistical analysis, there is a 99% probability that  
24 households in the shaded hot spot areas are experiencing odors from the Landfill."  
25 Pg. 5. Not so. Instead, Dr. Campbell's hot spot analysis means only that there is an  
26 "99 out of 100 probability that a grid cell contains non-random clustering of  
complaints resulting in NOV's." Dkt. 60-1, Ex. 8. *Nothing* in Dr. Campbell's analysis  
predicts or shows that households are experiencing or will experience odors.

27 <sup>17</sup> The County withdrew its Local Rule 7-8 Requests for all of Chiquita's expert  
28 witnesses, so the declarations of Dr. Marais and others are unchallenged.



1 Dkt 139 at 239:10-240:18; 242:9-243:6 (cross examination of Dr. Campbell).  
2 Whether or not two homes 7 miles away smelled odors at their addresses does not  
3 change how households near the Landfill experience odors.

4 Another problem with using these “hot spots” is that they were created based  
5 on cumulative data. Of the 2,476 complaints that were mapped, approximately 900  
6 are from 2023 and more than 1400 are from 2024. In fact, just 115 of the complaints  
7 are from 2025. In other words, the hot spots tell the Court nothing about the likelihood  
8 of future harm because they are generated from largely outdated odor complaints from  
9 before many of the current mitigation measures were put in place. *See* Dkt. 153 at 11,  
10 n. 8 (discussing with respect to survey that “the results are based on the *cumulative*  
11 responses, whereas the standard for preliminary injunction is to show the likelihood  
12 of *future* harm”).

13 The County’s newly submitted maps do not cure these evidentiary deficiencies.  
14 These maps purport to geolocate verified and unverified odor complaints, but this  
15 visual representation does not explain why 938 households must be relocated. In  
16 particular, it does not account for households within the “hot spots” that have never  
17 complained or expressed any desire to relocate. Further, at least 80 addresses  
18 identified in the SCAQMD data set cannot be reliably geocoded because address data  
19 is incomplete, which prevents reliable geolocating for individual households. *See* Dkt.  
20 121, ¶ 16.

21 Nor do the new maps offer reliable temporal evidence. They include cumulative  
22 SCAQMD complaint data from January 6, 2023 to April 23, 2025—meaning that  
23 many of the complaints are more than two and a half years old—yet the County seeks  
24 prospective relief. The County’s reliance on stale complaints to justify relocation  
25 underscores the weakness of this evidence. Further, Dr. Campbell did not use  
26 unverified odor complaints in his analysis, so the mapping of complaint data the  
27 County previously determined was of no value does nothing to support its relocation  
28

1 request now. Dkt. 139 at 233:16-234:13-23 (cross examination of Dr. Campbell on  
2 his use of only verified odor complaints).

3 The timing of the County's submission compounds the problem. The Chiquita  
4 Defendants received these proposed exhibits just one business day before the joint  
5 statement was due, leaving no meaningful opportunity for scrutiny. Even on their face,  
6 the maps are unclear. For example, Exhibit 4 purports depict 12,347 complaints, but  
7 the map does not show anywhere near 12,000 data points.

8 As for the County's argument – added at the last minute on the morning of the  
9 filing – attempting to justify relief for the more than 700 homes that failed to file a  
10 single complaint, the County's argument is based on nothing more than rank  
11 speculation. *See* Pg. 5. In any event, there is simply no evidence to support a claim  
12 that households that have never filed even a single complaint leading to NOV will  
13 suffer future irreparable harm.

14 In short, the County's "hot spots" reflect only generalized areas where  
15 SCAQMD verified some odor complaints, in some cases nearly three years old, and  
16 the hot spots change radically based on the small changes in inputs. The hot spots do  
17 not account for recency, frequency, or intensity of odors, nor do they predict future  
18 conditions or locations of the odors.<sup>18</sup> Many addresses within the hot spots never  
19 submitted odor complaints at all. Dkt. 139 at 244:8-10 (hot spots do not consider how  
20 many households submitted odor complaints with SCAQMD); *see also* Dkt. 82-4 ¶¶  
21 11-12 (Pleus Declaration, "Odor detection, recognition and awareness thresholds ...  
22 vary across the population[,]" and a "variety of factors, specific to each person, will  
23

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24 <sup>18</sup> The County's brand-new assertion that some of its underlying complaint data  
25 contains comments in which the complaining party indicated what the odor smelled  
26 like (alongside an exhibit that they failed to provide prior to filing) is irrelevant. Dr.  
27 Campbell did not take those comments into account in generating his hot spots, the  
28 County did not rely on such comments in its PI papers or at the evidentiary hearing  
and no attempt has been made to quantify such information in any way. Further, it is  
not clear if those comments are ever considered or verified by the inspector.



1 determine whether that person can perceive a particular odor and the intensity with  
2 which it is perceived.”). Moreover, the hot spot analysis does not consider whether  
3 any of the included households want to be relocated. Dkt. 147 at 244:11-14 (Campbell  
4 testimony).

5 The SCAQMD complaint data itself is also an unreliable metric for relocation  
6 or mitigation measures. The Court already found that SCAQMD complaints do not  
7 establish how many families they represent, whether the complainants experienced  
8 odors continuously or only once, or whether complaints came from residences,  
9 schools, or businesses. Dkt. 153 at 12. The Court further recognized that the complaint  
10 data does not reflect odor severity or pervasiveness, Dkt. 153 at 18.<sup>19</sup>

11 The raw data underscores these deficiencies. The complaints span from 2023  
12 through April 2025, and therefore fail to account for recency, particularly given the  
13 significant mitigation measures Chiquita implemented, several significant of which  
14 were completed at the end of 2024. Dkt. 82-7 at 20-23 (Cassulo Declaration, Table of  
15 Mitigation Measures). In total, only 444 unique addresses generated the SCAQMD  
16 complaints in the record, and just 13 addresses account for 50% of the complaints that  
17 resulted in an NOV. Dkt. 121 at ¶ 15 (Supplemental Marais Decl.). Narrowing further  
18 to just 2025 data, only 115 odor complaints resulted in an NOV. And those complaints  
19 were submitted by just 48 unique addresses— only 19 of which complained more than  
20 one single time in the first four months of 2025. *Id.* at ¶ 16; PI Hearing Ex. 210. Just  
21 11 unique addresses complained more than two times during that same four-month  
22 period. PI Hearing Ex. 210. And there is no evidence in the record regarding how  
23  
24

---

25 <sup>19</sup> There are additional and significant shortcomings with the SCAQMD odor  
26 complaints. For example, a detailed wind analysis of prevailing winds at the time of  
27 verified complaints demonstrate that 24.5% of such complaints were within an area  
28 in which it was not possible for an odor to have come from the Landfill. ECF 153 at  
12 at ¶¶44-47; Ex. 18.

1 many of those 11 addresses are personal residences (as opposed to, for example,  
2 businesses or schools).

3 This evidence does not support relocation of or mitigation measures for 938  
4 households. That number is *more than double* the number of households that have  
5 made a complaint in a 2.5 year period. And it is more than 85 times the number of  
6 households that made more than 2 complaints in 2025. The SCAQMD complaint data  
7 does not justify relocating *anyone*. That a particular household made one or two  
8 complaints about odor over four months does not demonstrate that an odor is  
9 sufficiently pervasive at that address to justify completely relocating the household  
10 for months.

11 By contrast, Defendants submitted contemporaneous odor surveillance logs  
12 consisting of twice-daily observations at 45 community locations as required by  
13 SCAQMD. They show that odor intensity reached a level of three (“moderate odor”)  
14 or greater only 5% of the time. Dkt. 82-6, ¶¶ 38-39; Dkt. 63 at Exh. 12, ¶ 1(e). Wind  
15 data further undermines nearly a quarter of all complaints. ECF 153 at 12 at ¶¶ 44-47;  
16 Ex. 18. Neither the SCAQMD complaint data nor the County’s “hot spots” provide a  
17 reliable basis for defining the scope of any injunctive relief.<sup>20</sup>

18 **2. There is No Way to Determine Which Homes Warrant**  
19 **Relocation or Home Hardening**

20 As an alternative to relocation, the County sought expenses for “home  
21 hardening.” Dkt. 58-1 (seeking relocation of 938 households for six months and  
22 “[a]ny funds not used for relocation could be allocated to the 2,476 households that  
23 made complaints resulting in NOVs”). The County now proposes a tiered system  
24 wherein residents in the Val Verde and Castaic hotspots are first given the option to  
25

26 <sup>20</sup> The County’s assertion that the Reaction is expanding is not supported by record  
27 evidence, and previously, the County argued that the size of the reaction was  
28 irrelevant. *See* Dkt. 73 at 12, 13. Chiquita contests that the reaction is expanding. *See*  
*e.g.* Dkt. 82-5 at ¶ 36.

1 relocate, then those residents are given access to relocation funds, and then any  
2 household that made a complaint that resulted in an NOV can access home hardening  
3 funds. But the record contains no evidence to guide the Court in determining when  
4 relocation versus home hardening would be appropriate for any particular household  
5 or why simply making a complaint to SCAQMD warrants home hardening.

6 The County submitted three resident declarations, but none requested  
7 relocation—including when they testified at the evidentiary hearing. *See* Dkts. 59, 59-  
8 1, and 59-2. Indeed, there is no evidence in the record that any of the 938 households  
9 the County identifies want to be relocated for any period of time or would actually  
10 move if given the option. *See Adams v. Freedom Forge Corp.*, 204 F. 3d 475, 485-86  
11 (3d Cir. 2000) (trial court erred in concluding irreparable harm for all plaintiffs was  
12 established where only a few testified and many presented no evidence (or even  
13 assert) that they would suffer the alleged harm). The only evidence is as to the three  
14 residents, who did *not* move or take a hotel room when they received funds through  
15 Chiquita’s voluntary Community Relief Fund. In fact, the three County declarants all  
16 received funds from this program, but did not disclose these funds or how they were  
17 used, did not state that they previously relocated, did not state that they wanted to  
18 relocate, and did not state that a lack of funding has prevented them from relocating.  
19 *See* Dkt. 59 (Howse Declaration); Dkt. 59-2 (Suggs Declaration); Dkt. 59-1 (Perrera  
20 Declaration); Dkt. 82-2 at ¶ 7 (Steven Howse received \$45,000; John Suggs II  
21 received \$27,000; Stephen Perera received \$3,750).

22 The County’s request for home hardening fares no better. It did not explain  
23 what specific measures would be appropriate as home hardening, which residents  
24 might need them, or why. In passing, the County suggested funds could be used for  
25 “home-hardening mitigations, such as new windows, better air filters, or other devices  
26 to block the deleterious odors from entering homes and businesses of those close to  
27 the Landfill.” Dkt. 58-1 at 9. But filing a complaint says nothing about whether a  
28 resident desires home hardening measures, needs them, or intends to complete them

1 (let alone which of the measures the resident might be interested in or already have).  
2 The record contains no evidence about the effectiveness of these measures, who wants  
3 them, whether they are even necessary, or the cost of such measures.

4 Further, Chiquita has already distributed 1,700 air filters to community  
5 residents. Dkt. 82-2 at ¶ 5. Everyone who asked for one got one and there is no  
6 evidence that households want or need more filters. Chiquita also previously  
7 voluntarily distributed over \$23 million to residents in the communities near the  
8 Landfill to assist with offsetting costs associated with odor mitigation, such as  
9 hardening their homes, offsetting utility increases, or temporarily relocating. Dkt. 58-  
10 1 (County’s Opening Brief does not discuss the Community Relief Fund); *see also*  
11 Dkt. 82 at 12; Dkt. 82-2 (Declaration of Patrick Passarella). Chiquita provided  
12 monthly funding that residents could use for odor mitigation. To the extent they  
13 undertook “home hardening,” those measures are still in place.

14 The County’s newly proposed priority tiers for relocation and home hardening  
15 are no better supported. The County merely “suggest[s]” that households  
16 “geographically closest to the Landfill” should receive priority. Pg. 4. But the County  
17 offers no evidence that the Val Verde hot spot has more SCAQMD odor complaints  
18 or online survey responses than the Castaic hot spot. And, as before, there is no  
19 evidence that all 938 households within these hot spots require or even desire  
20 relocation or home hardening—or that all of them filed odor complaints in the first  
21 place.

22 At bottom, there is no evidence in the record that allows this Court to determine  
23 who should be relocated and for how long or who seeks home hardening mitigations,  
24 what mitigations may be effective, or what they cost. There is no evidence to justify  
25 the new priority tiers the County proposes. On this record, the Court would be left to  
26 speculate as to scope, rendering injunctive relief inappropriate.

1                   **3.     The Closed Evidentiary Record Contains No Support for the**  
2                   **Duration of any Order**

3           As the Court noted, the County sought relief for six months, without explaining  
4 why it chose that length of time. Dkt. 153 at 18. The record contains no evidence  
5 supporting the County’s proposed six-month relocation period or the corresponding  
6 availability of home hardening funds. Yet the County continues to seek availability  
7 of funds for six months, and now seeks the ability to extend the fund until the  
8 completion of installation of additional geomembrane cover.<sup>21</sup> The County never  
9 previously argued that the length of the abatement fund should be tied to any  
10 mitigation measure, and the record before this Court at the evidentiary hearing did not  
11 include the information about these additional sections of geomembrane cover. For  
12 the first time, and only in a proposed order,<sup>22</sup> the County asserts that the injunction  
13 may be terminated if the Landfill receives “no more than two NOVs in a six-month  
14 period.” Proposed Order at pg. 4. This termination trigger lacks support—the County  
15 has never argued much less shown with evidence that more than two NOVs in a six-  
16 month period constitutes irreparable harm for the Val Verde and Castaic community.

17           Nor is there any evidence in the record showing why relocation would be  
18 necessary for any extended period of time, as opposed to a shorter time period, such  
19 as a few nights in a hotel—particularly given the Court’s recognition that the odors  
20 are intermittent. *See* Dkt. 147 at 19:6-7 (noting that during the judicial site visit, “the  
21 odors were not similar to what has been described in either the nature or severity”).  
22

23           <sup>21</sup> This new record evidence is discussed in Section C, *infra*.

24           <sup>22</sup> The detail in the County’s new proposed order only underscores the lack of detail  
25 the County included in its moving papers about what relief it seeks, the types of  
26 evidence it should have developed but did not, and the details about administration  
27 that the County ignored. *See* Dkt. 58-2 (County’s original proposed order filed May  
28 29, 2025, which includes no details on scope or information about fund  
administration).

Absent such evidence, any relocation order would amount to speculation rather than a narrowly tailored remedy, contrary to the requirements of *Winter* and Rule 65.

**C. The County Cannot Use New Evidence to Support the Same Injunctive Scope This Court Already Concluded Was Overbroad**

The County seeks to shore up the same overbroad injunction by attaching six new exhibits and requesting judicial notice of a decade-old document. The Court should reject this attempt to supplement the record.<sup>23</sup>

The County's new submissions included (i) an address list of the 938 households that are allegedly within the two hot spots; (ii) three maps purporting to show where odor complaints were located; (iii) an August 5, 2025 letter from Chiquita to regulators concerning geomembrane cover expansion, and (iv) a newly sorted spreadsheet of complaint data.<sup>24</sup> None of this material narrows the injunction.

**The Order Did Not Invite New Evidence**

The Scope Order does not invite new evidence. It directs the parties only to propose a "manner of more narrowly tailoring the injunction" by clarifying (i) eligible households; (ii) relocation or home-hardening options; and (iii) relocation duration. Dkt. 153 at 19. For this reason alone, the County's attempt to supplement the record should be denied. Should this Court press forward with defining the scope of an injunction, it must be on the evidentiary record that closed months ago. *See* Dkt. 157

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<sup>23</sup> During the parties' meet and confer, the County told Chiquita it intended to rely on new evidence. Dkt. 157-1 (Bannett Decl. ¶ 9). On September 24, however, the County confirmed by email that it "will not be filing supplemental evidence with the Joint Statement." Shannon Decl. at ¶ 2, Ex. 1. Yet when Chiquita received the County's draft section of the joint statement on Friday morning, the County cited five new exhibits and one document for which it seeks judicial notice. And the County did not even share these new materials with Chiquita contemporaneously with its draft section of the joint statement—Defendants only received them later that afternoon. Shannon Decl. at ¶¶ 3-4, Ex. 2-3.

<sup>24</sup> The County did not share Exhibit 6 with the Chiquita Defendants before this joint statement was filed.



1 at 9-10 (explaining how supplementing the record after issuing an order can frustrate  
2 appellate review and new evidence cannot justify an order already issued).

3 **(a) Supplementing the Record Violates Chiquita's Due**  
4 **Process Rights**

5 The Court has previously rejected, and the County has opposed, Chiquita's  
6 efforts to supplement the record.<sup>25</sup> Allowing the County to do so now—after an  
7 injunction has issued—would violate due process. *See Vanelli v. Reynolds Sch. Dist.*  
8 *No. 7*, 667 F.2d 773, 779–80 (9th Cir. 1982) (due process requires notice and an  
9 opportunity to be heard “at a meaningful time and in a meaningful manner”). Due  
10 process also requires that a party be given the opportunity to confront and test the  
11 evidence used against it. *Id.* Allowing the County to supplement the record now denies  
12 Defendants that opportunity.

13 The County's request comes more than six weeks after the evidentiary hearing  
14 on the preliminary injunction concluded and three weeks after the Court already  
15 granted the preliminary injunction. Just as the Court denied Defendants' application  
16 to supplement the record post-hearing, it should deny the County's belated attempt.  
17 *See* Dkt. 154 (Court denying Defendants' Ex Parte Application for Leave to File  
18 Supplemental Evidence).

19  
20 \_\_\_\_\_  
21 <sup>25</sup> The Court denied nearly every one of Defendants' requests to conduct discovery,  
22 introduce testimony, or supplement evidence. Dkt. 75 (expedited discovery denied);  
23 Dkt. 139 Tr. 16:20-17:9 (request to introduce rebuttal testimony denied); Dkt. 139 Tr.  
24 12:24-13:2 (request to consider supplemental declarations denied); Dkt. 140 Tr. 11:1-  
25 11:25 (requests for defense experts to testify on rebuttal denied). After the July  
26 hearing but before the Injunction was issued, Defendants again sought to supplement  
27 the record with July 2025 Landfill emissions data, updated SCAQMD Rule 402  
28 violations data through July 2025, and updated SCAQMD odor complaint data  
through July 15, 2025. Dkt. 151. The Court denied this request. Dkt. 154. The only  
supplemental data that was permitted was based on data the County had but was not  
shared with Defendants before Defendants' briefing deadline. *See* Dkt. 121  
(Supplemental Marais Decl.).

1 Defendants also lacked any meaningful opportunity to probe this new evidence.  
2 Chiquita filed Local Rule 7-8 requests for nearly all of the County's witnesses (Dkt.  
3 98) and cross-examined Dr. Campbell and Ms. Sanders about the SCAQMD  
4 complaint data and its implications in this case, including what the hot spots represent,  
5 and the County's failure to include a parcel or address list for homes the County  
6 sought to relocate. *See* Dkt. 139 at 243:17-244:23 (questioning Dr. Campbell about  
7 his review of L.A. County Assessor data of parcels and not including that information  
8 in his declaration). The late disclosure of an "Eligible Households List," and new  
9 maps deprived Defendants of the ability to review, analyze, or test this evidence  
10 through cross-examination. *See Massachusetts Bonding & Ins. Co. v. Indus. Accident*  
11 *Commission*, 74 Cal. App. 2d 911 (1946) ("There is no magic in the mere disclosure  
12 of the evidence where the adverse party is denied all right to test or countervail it.");  
13 *Langendorf United Bakeries v. Indus. Acc. Comm'n*, 87 Cal. App. 2d 103 at 888  
14 (1948) (finding that the denial to cross-examine, whether the evidence was submitted  
15 pre or post-hearing, is a deprivation of due process of law).<sup>26</sup>

16 Nor have Defendants had a fair chance to submit counterevidence. At the  
17 hearing, Defendants' experts rebutted (in their declarations) the County's use of  
18 SCAQMD data and the meaning of the hot spots analysis. cross-examined *See*  
19 *generally* Dkt. 139 at 212-247 (Campbell cross examination); Dkt. 82-6 (Sullivan  
20 Decl.); Dkt. 82-8 (Marais Decl.); Dkt. 121 (Marais Supplemental Decl.). No similar  
21 opportunity exists here.

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22  
23 <sup>26</sup> *See also Newsome v. Batavia Loc. Sch. Dist.*, 842 F.2d 920, 927 (6th Cir. 1988)  
24 (finding that post-hearing introduction of new evidence violated plaintiff's procedural  
25 due process rights where plaintiff was denied "an explanation of the evidence the  
26 authorities have and an opportunity to present his side of the story"); *Martin v.*  
27 *Barnhart*, 319 F. Supp. 2d 1381, 1383-84 (S.D. Ga. 2004) (finding that the post-  
28 hearing admission of an article from a medical journal deprived plaintiff of process  
due as plaintiff was unable to defend themselves or the opinions of the treating  
physician).



**(b) If New Evidence is Considered, the Chiquita**

**Defendants Must be Given Adequate Time to Respond**

The County's attempt to supplement the record at this stage is improper and would substantially prejudice Defendants and undermine appellate review of the August 29 Order. The proper remedy is exclusion. The County had ample opportunity to submit its data and analysis during the original briefing but did not. Dr. Campbell was cross-examined regarding his failure to identify the addresses in the hot spots. Only now—after the County's evidence has been criticized by this Court—did the County think it relevant to include this evidence. The Court should not reward the County's late disclosure of flawed evidence.

If the Court nevertheless allows the County's new data and analysis, Defendants must be afforded adequate time to prepare a rebuttal, including conducting their own analysis, and submitting rebuttal declarations. Defendants were given less than one business day to review and analyze a new data set identifying the households eligible for relocation. This is insufficient time to evaluate what these addresses mean in relation to the SCAQMD complaint data. To proceed on such terms would severely prejudice Defendants and compromise the fairness of these proceedings.

**2. Porter Ranch is Not a Useful Comparison to this Case**

For the first time now – after months of briefing and argument – the County argues that the mandatory injunction here should be modeled on the Porter Ranch relocation program. First, this request is woefully untimely. The County seeks judicial notice of documents nearly a decade old. If Porter Ranch were relevant, the County should have raised it in its motion filed in May – particularly since the Court specifically observed that “the County has not described in detail how it will administer the allocation of the fund.” *See* Dkt. 153 at 18. Further, the County's outside counsel is the same in both matters, foreclosing any claim of lack of awareness

1 of the Porter Ranch case. *See* County Request for Judicial Notice, Declaration of  
2 Deborah Fox.

3 Second, the Porter Ranch case is factually and legally distinguishable. In  
4 October 2015, SoCalGas discovered a natural gas leak from a natural gas storage  
5 well—the largest in U.S. history—which was not permanently sealed until mid-  
6 February 2016.<sup>27</sup> In response, the Los Angeles County Department of Public Health  
7 issued a directive stating that mercaptans, the odorant intentionally added to natural  
8 gas to make it detectable, “do pose a health threat to the community, including short  
9 term neurological, gastrointestinal and respiratory symptoms that may result from  
10 inhalation.” County Request for Judicial Notice, page 15. SoCalGas *agreed* to a  
11 temporary relocation and mitigation program, which was formalized in a stipulation.  
12 *Id.* at 9 (SoCalGas “agrees to implement” the relocation plan). That agreement sheds  
13 no light on whether this Court has authority to impose a mandatory relocation program  
14 here through a preliminary injunction.

15 **D. Any Fund Should be a Reimbursement Program Based on Receipts**

16 Chiquita opposes this Court issuing any injunction because, as set forth above,  
17 any injunction is unsupported by the evidentiary record and contrary to the objective  
18 air monitoring data showing there is no irreparable harm on these communities. If,  
19 however, the Court issues an injunction, Chiquita proposes it be a receipt based,  
20 reimbursement program only for defined, qualified expenses.

21 The County proposes that a third-party administrator (presumably funded by  
22 Chiquita) will pre-screen landlords and home-hardening vendors and make direct  
23 payments on behalf of eligible recipients. The administrative burden of such a  
24 program is high and not appropriate for the type of temporary relief the County seeks  
25

26 \_\_\_\_\_  
27 <sup>27</sup> “California methane leak ‘largest in US history.’ Available at  
28 <https://www.bbc.com/news/science-environment-35659947>. Last accessed  
September 27, 2025.

1 here. The County's proposal is inappropriately modeled after an agreed-upon Porter  
2 Ranch gas leak relocation program. As described above, that comparison is inapt and  
3 misaligned with relief sought here. The Porter Ranch gas leak program was a program  
4 entered voluntarily by SoCalGas in a vastly different situation where health impacts  
5 were of grave concern. In contrast, the County here seeks a temporary program  
6 through a preliminary injunction over objection of Chiquita and despite significant  
7 evidence showing no irreparable harm and no health effects. It would presumably take  
8 months for an administrator to appropriately vet landlords and vendors and issue  
9 funds for use by eligible recipients. Such a program cuts directly against the County's  
10 allegations that residents need immediate relief by means of a preliminary injunction.

11 A receipt-based reimbursement program is the most administratively simple  
12 structure. For example, if residents relocate, they can submit receipts for  
13 reimbursement, up to a dollar amount per month. The same would be true for  
14 appropriate home hardening expenditures, which should be defined in advance. A  
15 receipt-based program substantially reduces the administrative burden while ensuring  
16 that funds are used for relocation or home hardening and allowing those funds to be  
17 traced so they can be repaid or recovered from a bond should this injunction be  
18 overturned on appeal.<sup>28</sup>

19 The County previously operated a similarly structured receipt-based  
20 reimbursement program for residents living near Chiquita. Chiquita released \$3.5  
21 million in funding to Los Angeles County to be used to fund educational,  
22 environmental, and quality of life programs. The County used \$2.5 million of those  
23 funds to create the Utility Relief Program. Dkt. 82-2 at ¶ 3.

24  
25  
26 <sup>28</sup> Los Angeles County has been involved in relocation programs besides Porter  
27 Ranch. For example, LA Sanitation recently operated a receipt-based relocation and  
28 mitigation fund. See <https://www.elsegundo.org/our-city/hyperion-what-you-need-to-know>.

1 The County put no evidence in the record here that residents faced an inability  
2 to pay for relocation or home hardening absent the issuance of an injunction.  
3 Therefore, nothing in the record supports providing funds to residents *before* any  
4 action is taken. Further, providing funding to landlords or contractors provides a  
5 perverse incentive to residents—they can obtain home modifications that increase the  
6 value of their house (like receiving new windows) even if they have never requested  
7 such relief.

8 Finally, while the Court did not specifically order the parties to address  
9 administration of any fund, Chiquita believes that it is critical that the accounting for  
10 any program be accurate and detailed, that all participants confirm under penalty of  
11 perjury that they are using these funds for relocation or for necessary odor mitigation  
12 and agree that funds can only be used with respect to one of their residences, that  
13 participants sign paperwork that makes them liable to pay back money in the case of  
14 fraud, and that any unused monies be ordered to be returned to Chiquita. Chiquita  
15 may have additional thoughts regarding administrative process, including the type of  
16 program, should this Court go forward with such an order over Chiquita's objection.  
17

18 DATED: September 29, 2025 MEYERS NAVE

19  
20  
21 By: /s/ Deborah J. Fox  
22 DEBORAH J. FOX  
23 JENNY L. RIGGS  
24 CATHERINE L. CARLISLE  
25 SEENA M. SAMIMI  
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27 THE PEOPLE OF THE STATE OF  
28 CALIFORNIA and THE COUNTY OF  
LOS ANGELES

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DATED: September 29, 2025 BEVERIDGE & DIAMOND P.C.

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Inc. and Waste Connections US, Inc.

**ATTESTATION**

Pursuant to Central District Local Rule 5-4.3.4(a)(2)(i), I attest that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

DATED: September 29, 2025 MEYERS NAVE

By: /s/ Deborah J. Fox

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6284563

**COUNTY PLAINTIFFS' INDEX OF EXHIBITS IN JOINT STATEMENT  
RE SCOPE OF PRELIMINARY INJUNCTION**

EXHIBIT NO.	DESCRIPTION
1	Spreadsheet showing List of Addresses within Hot Spots between January 6, 2023 through April 23, 2025
2	Map of South Coast AQMD Complaints between January 6, 2023 through April 23, 2025
3	Map of South Coast AQMD Complaints between January 6, 2023 through April 23, 2025 – Val Verde Detail
4	Map of South Coast AQMD Complaints between January 6, 2023 through April 23, 2025- Castaic Detail
5	Letter re Chiquita Canyon LLC's Response to U.S. EPA's, DTSC's, and the LEA's Requirement to Expand the Geomembrane Cover dated August 15, 2025
6	Spreadsheet of Nature of Complaints and Severity of Odors between January 6, 2023 through April 23, 2025

# **Exhibit 8**



## Ryan Mansell

---

**From:** Leigh S. Barton <LBarton@bdlaw.com>  
**Sent:** Saturday, October 18, 2025 10:57 AM  
**To:** Kathryn Roberts; Mary Reichert; Ryan Mansell  
**Cc:** Megan L. Morgan; Jake Duginski  
**Subject:** [EXTERNAL] South Coast AQMD v. Chiquita Canyon, LLC (Case No. 6177-4) - Odor Complaint Data  
**Attachments:** 2025-09-29 [ECF 159-6] Exhibit 6.pdf

Kathryn, Mary, and Ryan,

We are reaching out to advise that during the upcoming Hearing Board hearing, we plan to present analyses derived from the complaint data information that South Coast AQMD provided to the County of Los Angeles in support of its preliminary injunction effort in *People of the State of California v. Chiquita Canyon LLC*. Specifically, we intend to present analyses of the data that the County of Los Angeles attached as Exhibit 6 to its portion of the September 29, 2025 Joint Statement on Scope that it submitted on the public docket in federal court (attached). We do not intend to present the address information itself, nor file the addresses as an exhibit—just analyses of the data in the form of statistics, maps, and other graphics. In any event, we do not think that this information is subject to the protective order in *People v. Chiquita* as the County filed it on the public docket.

Our analyses of this data are, moreover, responsive to Mr. Balagopalan's request for the parties to further analyze the complaint data referenced during each hearing. In particular, with specific complainant address information, we will conduct and present the following enhanced or further analyses of the data:

- More accurate wind direction analyses to assist in potential source attribution of complaints
- More accurate comparison of complaint data with community odor surveillance data
- More accurate comparison of complaint data with air monitoring station data
- Statistical analyses of complaint information by location/area/zone

Chiquita requests this same level of detail starting with complaint data from April 24, 2025 and moving forward on a quarterly basis. Consistent provision of this data would allow the Hearing Board to more accurately understand the scope of harm that South Coast AQMD claims within these hearings.

Please let us know if you have any questions, and if you would agree to providing this more detailed complaint information from April 24, 2025 and moving forward.

Best regards,  
Leigh

**Leigh S. Barton**  
She | Her | Hers  
Senior Associate



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## Ryan Mansell

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**From:** Ryan Mansell  
**Sent:** Thursday, October 23, 2025 6:31 PM  
**To:** Leigh S. Barton; Mary Reichert  
**Cc:** Megan L. Morgan; Jake Duginski; Kathryn Roberts  
**Subject:** RE: South Coast AQMD v Chiquita Canyon (Case No. 6177-4) - Draft Proposed Modifications  
**Attachments:** Chiquita Proposed Modifications\_10-23-25 (AC sanitized).docx; 2025-10-22 CCL\_Conditions Modification Chart\_TO CHIQUITA\_10-23-25 (AC sanitized).docx

Thanks again for meeting with us today.

### *Conditions*

I'm attaching new versions of each party's proposals reflecting today's discussion. I have already gone back to staff on some of the questions you had asked, and I have included comments with that information (e.g., whether the District's review of 1180 exceedances fully internal). Let us know a time you'd like to meet to further discuss the points we raised during our meeting and the information contained within these revised charts.

### *Complaints*

As we discussed, we can't agree to your request for address information as proposed, and we don't think it's reasonable to litigate this matter at the upcoming hearing. We think it would be appropriate for us to discuss the matter further with you, set an early pre-hearing conference if needed along with a briefing schedule, and to have this resolved well-ahead of any hearing. As a reminder, we aren't going to oppose you submitting any *analysis* based on the address data you already have so long as the nature of the analysis (e.g., a map) isn't tantamount to revealing the underlying address information. We'd kindly request that you provide any such analysis to us *before* submitting it to the clerk of the Board so that we can make a determination regarding such materials before they become public.

### *Site Visits (Community, landfill, or otherwise)*

We believe that the Brown Act is uniquely challenging to the Hearing Board performing a site visit, and we do not believe that there is any way that a visit to the community or landfill could be consistent with the Act's requirements. Moreover, we think the nature of the action (an objective assessment of a public nuisance) is better served through the testimony of individuals who regularly and repeatedly frequent the site over a protracted period of time, rather than the subjective individual impressions of the Board members that will only be reflective of a single visit.

Let us know times that work for a follow-up discussion. Thank you.



### **Ryan P. Mansell**

Principal Deputy District Counsel  
South Coast Air Quality Management District

**Office:** (909) 396-2387 | **Cell:** (909) 569-9841

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**From:** Leigh S. Barton <LBarton@bdlaw.com>  
**Sent:** Wednesday, October 22, 2025 12:01 PM  
**To:** Ryan Mansell <rmansell@aqmd.gov>; Mary Reichert <mreichert@aqmd.gov>  
**Cc:** Megan L. Morgan <MMorgan@bdlaw.com>; Jake Duginski <JDuginski@bdlaw.com>; Kathryn Roberts <kroberts@aqmd.gov>  
**Subject:** [EXTERNAL] RE: South Coast AQMD v Chiquita Canyon (Case No. 6177-4) - Draft Proposed Modifications

Ryan and Mary,

A chart of Chiquita Canyon, LLC's responses to South Coast AQMD's proposed modifications and new conditions is attached for your review. We have included explanatory comments for each response and further proposed modification.

We think it would be helpful to set up a call to discuss our responses and comments. We are available at the following times tomorrow and Friday:

- Tomorrow (10/23): 9:30am-2pm PT
- Friday (10/24): 9-11am PT

Please let us know if you have any questions, and if there is a particular date and time that works best for you.

With respect to your earlier question regarding a continuance of the upcoming hearing, we are not opposed to a continuance, particularly in light of the circumstances. We are working to gather potential dates for a continued hearing. Please let us know if you need a continuance of one or both dates.

Again, please extend our thoughts and condolences to Kathryn.

Best regards,  
Leigh

**Leigh S. Barton**  
She | Her | Hers  
Senior Associate

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**From:** Kathryn Roberts <[KRoberts@aqmd.gov](mailto:KRoberts@aqmd.gov)>  
**Sent:** Tuesday, October 14, 2025 10:20 PM  
**To:** Leigh S. Barton <[LBarton@bdlaw.com](mailto:LBarton@bdlaw.com)>; Megan L. Morgan <[MMorgan@bdlaw.com](mailto:MMorgan@bdlaw.com)>; Jake Duginski <[JDuginski@bdlaw.com](mailto:JDuginski@bdlaw.com)>  
**Cc:** Ryan Mansell <[rmansell@aqmd.gov](mailto:rmansell@aqmd.gov)>; Mary Reichert <[mreichert@aqmd.gov](mailto:mreichert@aqmd.gov)>  
**Subject:** RE: South Coast AQMD v Chiquita Canyon (Case No. 6177-4) - Draft Proposed Modifications

Thanks for these redlines, Leigh. We'll review and get back to you.

Thanks,  
Kathryn

Kathryn Roberts, Esq.  
Principal Deputy District Counsel  
**Office of the General Counsel**  
**South Coast Air Quality Management District**  
**Phone:** 909.396.2734

Email: [kroberts@aqmd.gov](mailto:kroberts@aqmd.gov)

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**From:** Leigh S. Barton <[LBarton@bdlaw.com](mailto:LBarton@bdlaw.com)>

**Sent:** Tuesday, October 14, 2025 7:04 PM

**To:** Kathryn Roberts <[KRoberts@aqmd.gov](mailto:KRoberts@aqmd.gov)>; Megan L. Morgan <[MMorgan@bdlaw.com](mailto:MMorgan@bdlaw.com)>; Jake Duginski <[JDuginski@bdlaw.com](mailto:JDuginski@bdlaw.com)>

**Cc:** Ryan Mansell <[rmansell@aqmd.gov](mailto:rmansell@aqmd.gov)>; Mary Reichert <[mreichert@aqmd.gov](mailto:mreichert@aqmd.gov)>

**Subject:** [EXTERNAL] RE: South Coast AQMD v Chiquita Canyon (Case No. 6177-4) - Draft Proposed Modifications

Kathryn, Mary, and Ryan,

Thank you for providing South Coast AQMD's proposed modifications for the upcoming hearing. We are reviewing and will reach out with any questions, and if it would be helpful to discuss.

Chiquita's proposed modifications are attached for your review. Redlines are also from the language of the June Stipulated Order.

Please let us know if you have any questions, and if it would be helpful to discuss on a call.

Best regards,  
Leigh

**Leigh S. Barton**

She | Her | Hers  
Senior Associate

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**From:** Kathryn Roberts <[KRoberts@aqmd.gov](mailto:KRoberts@aqmd.gov)>

**Sent:** Tuesday, October 14, 2025 4:44 PM

**To:** Leigh S. Barton <[LBarton@bdlaw.com](mailto:LBarton@bdlaw.com)>; Megan L. Morgan <[MMorgan@bdlaw.com](mailto:MMorgan@bdlaw.com)>; Jake Duginski <[JDuginski@bdlaw.com](mailto:JDuginski@bdlaw.com)>

**Cc:** Ryan Mansell <[rmansell@aqmd.gov](mailto:rmansell@aqmd.gov)>; Mary Reichert <[mreichert@aqmd.gov](mailto:mreichert@aqmd.gov)>

**Subject:** South Coast AQMD v Chiquita Canyon (Case No. 6177-4) - Draft Proposed Modifications

Good afternoon Leigh, Megan, and Jake,

Attached for your review are South Coast AQMD's proposed modifications for the upcoming status/modification hearing. Redlines are from the currently approved OA language.

Leigh, I believe you mentioned Chiquita would propose modifications as well. Do you know when you might have a draft for South Coast AQMD review?

Last, please let us know if you'd like to set a call to discuss any of these once your client has had time to review.

Thanks,  
Kathryn

Kathryn Roberts, Esq.  
Principal Deputy District Counsel  
**Office of the General Counsel**  
**South Coast Air Quality Management District**  
**Phone:** 909.396.2734  
**Email:** [kroberts@aqmd.gov](mailto:kroberts@aqmd.gov)

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# **Exhibit 9**

## Kathryn Roberts

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**Subject:**

RE: [EXTERNAL] Gaslighting the Victims of Chiquita Canyon Landfill

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**From:** [REDACTED] >

**Sent:** Thursday, June 26, 2025 4:04 PM

**To:** Stephanie English <[senglish@bos.lacounty.gov](mailto:senglish@bos.lacounty.gov)>; Kathryn Barger <[kathryn@bos.lacounty.gov](mailto:kathryn@bos.lacounty.gov)>; Anish Saraiya <[asaraiya@bos.lacounty.gov](mailto:asaraiya@bos.lacounty.gov)>; Todd Saxx <[todd.sax@calepa.ca.gov](mailto:todd.sax@calepa.ca.gov)>; [jeff.lindberg@arb.ca.gov](mailto:jeff.lindberg@arb.ca.gov) <[jeff.lindberg@arb.ca.gov](mailto:jeff.lindberg@arb.ca.gov)>; [thanne.berg@dtsc.ca.gov](mailto:thanne.berg@dtsc.ca.gov) <[thanne.berg@dtsc.ca.gov](mailto:thanne.berg@dtsc.ca.gov)>; [zanalee.zmily@dtsc.ca.gov](mailto:zanalee.zmily@dtsc.ca.gov) <[zanalee.zmily@dtsc.ca.gov](mailto:zanalee.zmily@dtsc.ca.gov)>; Bob Lewis <[catcregion4@gmail.com](mailto:catcregion4@gmail.com)>; [wes.mindermann@calrecycle.ca.gov](mailto:wes.mindermann@calrecycle.ca.gov) <[wes.mindermann@calrecycle.ca.gov](mailto:wes.mindermann@calrecycle.ca.gov)>; Larry Israel <[lisrael@aqmd.gov](mailto:lisrael@aqmd.gov)>; Terrence Mann <[tmann@aqmd.gov](mailto:tmann@aqmd.gov)>; Kris Hough <[kris.hough@sen.ca.gov](mailto:kris.hough@sen.ca.gov)>; Shannon Hurst <[shannon.hurst@mail.house.gov](mailto:shannon.hurst@mail.house.gov)>; Crystal Carr <[crystal.carr@asm.ca.gov](mailto:crystal.carr@asm.ca.gov)>; Pilar Schiavo <[pilar.schiavo@asm.ca.gov](mailto:pilar.schiavo@asm.ca.gov)>; Bob Lewis <[cclcac9@yahoo.com](mailto:cclcac9@yahoo.com)>; George Whitesides <[george.whitesides@mail.house.gov](mailto:george.whitesides@mail.house.gov)>; Brogan Michael (he/him/his) <[brogan.michael@epa.gov](mailto:brogan.michael@epa.gov)>; Shikari Nakagawa-Ota <[sota@ph.lacounty.gov](mailto:sota@ph.lacounty.gov)>; Miki Esposito <[mesposito@dpw.lacounty.gov](mailto:mesposito@dpw.lacounty.gov)>; [jenny.newman@waterboards.ca.gov](mailto:jenny.newman@waterboards.ca.gov) <[jenny.newman@waterboards.ca.gov](mailto:jenny.newman@waterboards.ca.gov)>; Maria Unzueta <[maria.unzueta@mail.house.gov](mailto:maria.unzueta@mail.house.gov)>; Ana Jovel Melendez - CalEPA Deputy Secretary for Legislative Affairs <[ana.melendez@calepa.ca.gov](mailto:ana.melendez@calepa.ca.gov)>; Joel E. Jones <[jones.joel@epa.gov](mailto:jones.joel@epa.gov)>; Isabell Yaralian <[iyaralian@bos.lacounty.gov](mailto:iyaralian@bos.lacounty.gov)>; Victor Yip <[vyip@aqmd.gov](mailto:vyip@aqmd.gov)>; [REDACTED]

**Cc:** [REDACTED]

**Subject:** [EXTERNAL] Gaslighting the Victims of Chiquita Canyon Landfill

Hello,

I am writing to you today to share the slap in the face to all of us residents harmed by Chiquita Canyon Landfill and their bold attempt to include many government agencies as backing them for their claims. We do not believe everything is safe and okay for the residents because we are the people living it day in and day out with a laundry list of physical symptoms, abysmal quality of life, financial harm, and mentally drained.

I cannot write to you as the representative of Val Verde Canyon on the Castaic Area Town Council because that would be a violation of our Bylaws and Policies and Procedures so I ask that you accept this correspondence as received by a long time private resident who has family, friends, and neighbors who have shared their experiences and feelings on this subject with me.



Attached please find a scanned flyer that I received placed on my mailbox today. I understand many of my friends and neighbors started receiving the same flyer as early as yesterday. Please take the opportunity to read it in its entirety. I believe you too will find it insulting to those members of my community who have been and are continuing to be harmed by this poorly run landfill. They have also made derogatory accusations towards our representatives who have been fighting to help us during this crisis. While we all know these are lies, exaggerations, half truths, and misdirection, it does not stop the additional pain being purposely inflicted on us. I additionally believe it is attempting to distort the findings and truth of the government agencies working on this crisis. The landfill has continued to state that the experts for CalRecycle, CAL EPA, CARB, SCAQMD, etc are wrong about what is happening at Chiquita Canyon Landfill.

Example - "was unable to validate any allegations of a "cancer cluster" in the communities surrounding the landfill as a result of the ETLF event or otherwise." NO. The fact is there is NO DATA for the time frame yet and it was discovered that USC Cancer Surveillance would not ever be able to do such a small specific area once the data is in for the time frame of this on going disaster. This is very misleading and a disgusting form of gaslighting my community. We are real living breathing feeling human beings. Fact, Chiquita Canyon Landfill is NOT a good neighbor and has broken numerous laws which has brought great harm to the people of this community physically, financially, and emotionally. We have no quality of life due directly to this landfill.

I felt it was important for all the agencies working on this crisis to have the facts of the kind of unethical people they are working with. This is not this town's first go around with Chiquita Canyon Landfill, but we intend for it to be our last. With tens of thousands of new homes being added here, as I write this, it has to be. We are counting on all our government agencies and representatives to finally make that happen. Our very lives depend on it!

Respectfully submitted,

[REDACTED]

26 Year Val Verde/Castaic Resident



## Committed to Safety & Oversight

Chiquita Canyon Landfill has been a proud member of the Santa Clarita Valley community since 1972. We have been proud to serve our neighbors as a vital part of the infrastructure by collecting residential and commercial waste, including yard waste, green waste (for composting or for recycling), and construction/ demolition debris until the landfill was closed for the acceptance of waste on December 31, 2024.

As many of you know, the landfill is currently responding to a rare chemical reaction called an **Elevated Temperature Landfill (ETLF)** event located in an older, closed part of the landfill.

### What is an Elevated Temperature Landfill Event?

It is a chemical reaction caused by the breakdown of organic materials that leads to an increased production of heat, gas, and liquids.

**There is no fire at the landfill.**



### What is Chiquita doing to address this?

Upon detecting the reaction, our team moved swiftly to implement mitigation measures to address it, working with the top experts in the field to reduce pressure and temperature levels. A multi-agency group called the **Multi-Agency Critical Action Team** was created, and its members include, but are not limited to:

- California Environmental Protection Agency
- United States Environmental Protection Agency
- Department of Toxic Substances Control
- Los Angeles County Department of Public Health
- Los Angeles County Public Works
- Local Enforcement Agency acting on behalf of CalRecycle
- Los Angeles Regional Water Quality Control Board
- South Coast Air Quality Management District

We have worked closely with all of these regulatory agencies to ensure appropriate mitigation efforts are implemented and that all steps taken to mitigate the reaction are communicated to and coordinated with all participants.



## Is it safe to be near the landfill?

**Yes.** Both Chiquita and Los Angeles County commissioned independent toxicologists to evaluate air quality in the communities around the landfill and assess potential health risks. The studies prepared by these experts did not find that there were any expected short or long-term health impacts attributable to emissions from the landfill based on available data. These findings are the product of rigorous scientific investigations by both independent experts, and Chiquita's regulators.

The County also requested a cancer risk evaluation by the USC Cancer Surveillance Program, which was unable to validate any allegations of a "cancer cluster" in the communities surrounding the landfill as a result of the ETLF event or otherwise. Unfortunately, elected officials, community members and select media reporting continue to make declarative statements about a cancer cluster which is in direct contradiction to the conclusions drawn in that independent scientific report.

**There are no risks to public safety.**



## Community Relief Program

The Chiquita Canyon Landfill Community Relief Program was initiated in March 2024 to assist with offsetting costs associated with odor mitigation for those living in communities surrounding the landfill. This program distributed over **1,700 air filters** to members of the community and approximately **\$23.5 million** in checks to households in the community to assist residents with expenses such as temporary relocation, home hardening, and utility bills.

All on-site and off-site or community-based studies show that the mitigation efforts are having a positive effect. The long-term trends show decreased surface emissions, which means there is less landfill gas that could be leaving the landfill. Long-term trends of the air quality data surrounding the landfill confirm this **decrease in emissions and show improvement in offsite air quality**. We are confident that as we continue to fix the reaction, these trends will continue to improve. As a result of the above referenced data, the Community Relief Program concluded in February 2025.

## Misinformation

Some politicians have made Chiquita the target of misinformation attacks and deployed rhetoric to mislead the community about the mitigation efforts. To date, our efforts to engage in a factual discussion at public hearings and other community events have been met with aggressive and damaging rhetoric which is having an impact on our team's mitigation efforts. Accordingly, we believe we have an obligation to provide the facts about the landfill by communicating directly with our neighbors.

## Transparency & Communication

Chiquita will continue to invest in advanced mitigation technologies and prioritize community health, while remaining steadfast in its commitment to containment and mitigation efforts. We will continue to prioritize open and transparent communication with the community we care deeply about, ensuring regular updates and collaboration with residents and regulatory agencies.

We will continue to provide up-to-date reports to the community as we have done since the start of the reaction. **All of the relevant information and real-time data is available 24/7 on the Chiquita Canyon website.** In addition, we continue to provide monthly updates at our Community Information Meetings and to the Community Advisory Committee.

**The next Community Information Meeting is scheduled for Thursday, July 10 at 6 p.m. via Zoom. Details can be found on our website: [www.chiquitacanyon.com](http://www.chiquitacanyon.com)**