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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CEDAR POINT NURSERY and FOWLER  
PACKING CO.,  
  
Plaintiffs,  
  
v.  
  
VICTORIA HASSID, in her official capacity as  
Chair of the Agricultural Labor Relations  
Board; et al.,  
  
Defendants.

No. 1:16-cv-00185-NONE-BAM

FINAL STIPULATED JUDGMENT  
AFTER REMAND, DECLARATORY  
JUDGMENT, AND PERMANENT  
INJUNCTION

(Doc. No. 37)

In accordance with the June 23, 2021 opinion of the United States Supreme Court, *Cedar Point Nursery v. Hassid*, 594 U.S. \_\_\_, 141 S. Ct. 2063 (2021); the August 4, 2021 order of the United States Court of Appeals for the Ninth Circuit reversing this court’s judgment of dismissal of plaintiffs’ Fifth Amendment claim and remanding the case for further proceedings, *Cedar Point Nursery v. Hassid*, No. 16-16321, ECF No. 35 (9th Cir. Aug. 4, 2021); and Rule 58(b)(2)(B) of the Federal Rules of Civil Procedure, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

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**FINAL JUDGMENT AFTER REMAND**

This court’s July 19, 2016 final judgment, (Doc. No. 23,) is vacated in part, and final judgment is entered for plaintiffs and against defendants on plaintiffs’ first claim for relief (Violation of the Fifth and Fourteenth Amendments; 42 U.S.C. § 1983).

**DECLARATORY JUDGMENT**

It is hereby declared that the access regulation, California Code of Regulations, Title 8, § 20900(e), “appropriates a right to invade [plaintiffs’] property and therefore constitutes a *per se* physical taking.” *Cedar Point Nursery v. Hassid*, 141 S. Ct. at 2072. Absent payment of just compensation, § 20900(e) authorizes an unconstitutional taking in violation of the Fifth and Fourteenth Amendments as applied to plaintiffs. *Id.* at 2074.

**PERMANENT INJUNCTION**

Defendants are hereby permanently enjoined from enforcing California Code of Regulations, Title 8, § 20900(e) against plaintiffs, absent payment of just compensation.

The time for plaintiffs to file their motion for attorneys’ fees and bill of costs or reach a settlement with respect to such fees and costs runs from the time that this order is entered.

IT IS SO ORDERED.

Dated: September 1, 2021

  
UNITED STATES DISTRICT JUDGE

## Kiren Mathews

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**Case Name:** Cedar Point Nursery, et al. v. Gould IV, et al.

**Case Number:** [1:16-cv-00185-NONE-BAM](#)

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**Document Number:** [39](#)

#### Docket Text:

**FINAL Stipulated Judgment After Remand, Declaratory Judgment, and Permanent Injunction, signed by District Judge Dale A. Drozd on 9/1/2021. (Marrujo, C)**

#### **1:16-cv-00185-NONE-BAM Notice has been electronically mailed to:**

Christopher M. Kieser ckieser@pacificlegal.org, incominglit@pacificlegal.org, tdyer@pacificlegal.org

Damien Michael Schiff dschiff@pacificlegal.org, incominglit@pacificlegal.org, tdyer@pacificlegal.org

Joshua Paul Thompson jpt@pacificlegal.org, incominglit@pacificlegal.org, tae@pacificlegal.org

R. Matthew Wise matthew.wise@doj.ca.gov, ECFCoordinator@doj.ca.gov, Ritta.Mashriqi@doj.ca.gov

Wencong Fa wfa@pacificlegal.org, incominglit@pacificlegal.org, prc@pacificlegal.org, wencfa@gmail.com

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