

JEREMY TALCOTT
JTalcott@pacificlegal.org
CA Bar No. 311490
Pacific Legal Foundation
701 Kimberly Ave, Suite 200
Placentia, CA 92870-6354
Telephone: (916) 419-7111
Facsimile: (916) 419-7747

DAVID MCDONALD*
DMcdonald@pacificlegal.org
CO Bar No. 53709
Pacific Legal Foundation
3100 Clarendon Blvd., Suite 1000
Arlington, VA 22201
Telephone: (202) 888-6881
Facsimile: (916) 419-7747

** Pro Hac Vice*

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DAVID HOOD,

Plaintiff,

v.

KAREN ROSS, Secretary of Agriculture of
the California Department of Food and
Agriculture, SEAN A. DURYEE,
Commissioner of the California Highway
Patrol, RYAN DALLIN, California
Highway Patrol officer, PABLO
GUERRERO, formerly known as JOHN
DOE #1, agent of California Department of
Food and Agriculture, DERRICK
PETERSON, formerly known as JOHN
DOE #2, California Highway Patrol
officer,

Defendants.

Case No. 5:24-cv-02275-AH-SHK

**SECOND AMENDED
COMPLAINT**

INTRODUCTION

This lawsuit asserts a homeowner's Fourth Amendment rights against the execution of an unconstitutional general warrant against the curtilage of his home. Under the U.S. Constitution's Fourth Amendment, a warrant must particularly describe the property to be searched. The warrant executed against Mr. Hood's property did not. Instead, it included a map with a border drawn around a 554-square-mile area. Mr. Hood's property was one of the many thousands inside that border.

The reason Mr. Hood's property was searched was the control of an invasive species of fly. No flies or larvae were found. But while controlling invasive species is a legitimate and laudable goal, it must be accomplished through legitimate and constitutional means. There are a great many reasons to protest invasions into one's private property by agents of the state, even for those with nothing to hide. Indeed, intrusions into the curtilage are constitutionally equivalent to intrusions into the home itself because the intimate activities of daily life extend to this area immediately surrounding the home and thus intrusions there threaten the security and privacy that the Fourth Amendment was drafted to defend. When Mr. Hood objected to the search of his property, the officers should have furnished a judge with probable cause that fruit flies were likely to be found on his property and obtained a specific warrant. They had ample time to request such a warrant from a judge.

Mr. Hood pursues legal relief through this lawsuit for nominal damages, a declaratory judgment, and prospective injunctive relief to hold those accountable who have resurrected the primary evil the Fourth Amendment was drafted to kill, and to prevent them from doing it again.

JURISDICTION AND VENUE

1. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question jurisdiction) and 1343 (jurisdiction to redress deprivations of civil rights), and the Civil Rights Act of 1871, 42 U.S.C. § 1983.

///

2. The Court has authority to provide the relief requested under the Fourth Amendment, as incorporated against the states by the Fourteenth Amendment, 28 U.S.C. §§ 2201 and 2202 (Declaratory Judgment Act), 42 U.S.C. § 1983, and its inherent equitable powers.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (2) because all parties to the litigation reside, a substantial part of the events or omissions giving rise to Plaintiff's claims occurred, and the property that is the subject of this action is located, within this judicial district.

4. Defendants Ross, Duryee, Dallin, Guerrero, and Peterson are “persons” within the meaning of 42 U.S.C. § 1983. *See Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 71 n.10 (1989).

PARTIES

5. Plaintiff David Hood is a United States citizen and homeowner residing at 30595 Palo Alto Drive, Redlands, CA 92373.

6. Mr. Hood's home is located within the 554-square-mile project area boundaries covered by the warrant at issue in this action and he resided there at the time of the controversy that forms the basis for this Complaint.

7. The warrant is attached to this Complaint as Exhibit A and incorporated by reference.

8. Defendant Karen Ross is the California Secretary of Agriculture and head of the California Department of Food and Agriculture (CDFA).

9. In her capacity as Secretary of Agriculture, she is charged with enforcing the California Food and Agricultural Code. By enforcing the policies complained of in this action, she deprived Mr. Hood of his right to be free from unreasonable searches. Defendant Ross is sued in her official capacity for injunctive and declaratory relief.

10.The CDFA is the California state governmental department responsible for enforcing the California Food and Agricultural Code.

1 11.CDFA promulgated the January 12, 2024 Proclamation of Emergency
2 Program (Proclamation), under the direction of Defendant Ross, and then
3 sought, obtained, and executed the warrant at issue in this action under the
4 purported authority of said proclamation and Defendant Ross.

5 12.Defendant Pablo Guerrero is employed by the CDFA and, in conjunction with
6 Defendants Dallin and Peterson of the California Highway Patrol, executed the
7 warrant to search Mr. Hood's property on April 4, 2024. Defendant Guerrero
8 is sued in his personal capacity for nominal damages and official capacity for
9 injunctive and declaratory relief.

10 13.Defendant Sean A. Duryee is the Commissioner of the California Highway
11 Patrol (CHP). In his capacity as Commissioner of the CHP, Defendant Duryee
12 is responsible for enforcing the laws of the State of California, including those
13 laws under which the warrant that is the subject of this action was executed.
14 Defendant Duryee is sued in his official capacity for injunctive and declaratory
15 relief.

16 14.The CHP is the principal state police agency for the State of California
17 responsible for, *inter alia*, assisting state agencies such as the CDFA in the
18 enforcement of administrative warrants. CHP officers, in conjunction with
19 CDFA officers, executed the unconstitutional general warrant to search Mr.
20 Hood's property on April 4, 2024.

21 15.Defendant Ryan Dallin is an officer of the CHP who, together with Defendants
22 Derrick Peterson and Pablo Guerrero, executed the warrant to search Mr.
23 Hood's property on April 4, 2024. Defendant Dallin is sued in his personal
24 capacity for nominal damages and official capacity for equitable and
25 declaratory relief.

26 16.Defendant Derrick Peterson is an officer of the CHP who, together with
27 Defendants Dallin and Guerrero, executed the warrant to search Mr. Hood's
28

1 property on April 4, 2024. Defendant Peterson is sued in his personal capacity
2 for nominal damages and official capacity for injunctive and declaratory relief.
3 17. Defendants Ross, Guerrero, Duryee, Dallin, and Peterson have authority under
4 the laws of California to implement and administer the CDFA’s provisions.
5 The officials are accordingly subject to an official capacity suit for equitable
6 relief from the unconstitutional enforcement of general warrants that violate
7 Mr. Hood’s federal constitutional rights under *Ex parte Young*, 209 U.S. 123
8 (1908).

9 LEGAL BACKGROUND

10 *The Fourth Amendment Prohibits General Warrants*

11 18. The Fourth Amendment to the United States Constitution states:

12 The right of the people to be secure in their persons, houses,
13 papers, and effects, against unreasonable searches and seizures, shall
14 not be violated, and no Warrants shall issue but upon probable cause,
15 supported by Oath or affirmation, and particularly describing the places
16 to be searched and the persons or things to be seized.

17 U.S. Const. Amend. IV (emphasis added).

18 19. Enacted largely as a response to abuses by British customs agents during the
19 colonial era, the Fourth Amendment expressly prohibits general warrants—
20 that is, warrants that do not specify the particular places to be searched and/or
21 items to be seized. *See Carpenter v. United States*, 585 U.S. 296, 303 (2018)
22 (“The Founding generation crafted the Fourth Amendment as a response to the
23 reviled general warrants and writs of assistance of the colonial era[.]”)
24 (citations and punctuation omitted); *United States v. Chadwick*, 433 U.S. 1, 7–
25 8 (1977) (“It cannot be doubted that the Fourth Amendment’s commands grew
26 in large measure out of the colonists’ experience with the writs of assistance
27 and their memories of the general warrants formerly in use in England.”).
28

1 20. The Fourth Amendment’s protection of the People’s right to be secure in their
2 “houses” against unreasonable search and seizure extends not just to the
3 interior living area of their homes, but also to the area immediately surrounding
4 them (known as the curtilage), to which the intimate activities of home life
5 extend. *Florida v. Jardines*, 569 U.S. 1, 6–7 (2013).

6 21. The privacy interests protected by the Fourth Amendment are particularly
7 acute in the context of private homes and their surrounding curtilage. *See Kyllo*
8 *v. United States*, 533 U.S. 27, 34 (2001); *Camara v. Mun. Ct. of the City and*
9 *Cnty. of San Francisco*, 387 U.S. 523 (1967).

10 22. The warrant requirement extends beyond the criminal context and applies to
11 administrative searches for code enforcement, regulatory laws, and other
12 special needs. *Camara*, 387 U.S. at 534. While administrative searches may
13 sometimes be justified by something less than probable cause of a specific
14 violation on the property, they must be supported by a warrant that complies
15 with both the Oath-or-affirmation and the particularity requirements of the
16 Fourth Amendment. *Id.* at 536–38.

17 ***California’s Fruit Fly Quarantine Regime***

18 23. Section 5753 of the California Food and Agricultural Code authorizes the
19 Secretary of Agriculture to, “in a summary manner,” “disinfect or take such
20 other action, including removal or destruction, with reference to any such
21 public nuisance, which he thinks is necessary.”

22 24. On January 12, 2024, Defendant Ross issued a Proclamation of Emergency
23 Program, declaring oriental fruit flies in the State to be a significant threat to
24 agriculture and the environment.

25 25. The Proclamation creates a “project area boundary” encompassing a 554-
26 square-mile area (Search Area) and directs CDFA officials to engage in a
27 program of monitoring, treatment, and removal of fruit flies and potentially
28 infected fruit.

1 26.The Proclamation requires consent from property owners for CDFA officials
2 to engage in certain treatments on their properties, but includes no such consent
3 requirements for entries or searches and provides no guidance for responding
4 to any property owners who do not consent to CDFA officials entering their
5 property.

6 27.The Proclamation states that it shall remain in force until July 21, 2025.

7 28.As Secretary of the CDFA, Defendant Ross is responsible for the measures
8 employed by CDFA to control fruit flies, including the use of general warrants,
9 and specifically, the execution of the warrant against Mr. Hood.

10 29.On information and belief, CHP works in conjunction with CDFA in the
11 execution of search and seizure warrants as a general practice.

12 30.Defendant Duryee, as the Commissioner of CHP, is responsible for the CHP
13 officers involved in executing warrants in conjunction with CDFA, and
14 specifically, the execution of the warrant against Mr. Hood.

15 **FACTUAL ALLEGATIONS**

16 ***Mr. Hood's Property***

17 31.David Hood is a homeowner who lives in Redlands, California, in a home he
18 and his wife purchased in 2010.

19 32.Like thousands of his neighbors in this area of Southern California long known
20 for its citrus, Mr. Hood has several citrus trees in his backyard.

21 33.Mr. Hood's home, located at 30595 Palo Alto Drive, Redlands, CA 92373, was
22 within the Search Area boundaries established in the Proclamation.

23 34.Mr. Hood's home has remained within the steadily enlarging boundaries of the
24 area subject to the Proclamation (on October 12, 2023, November 2, 2023,
25 November 29, 2023, and January 12, 2024), and remains within that area at the
26 time of the filing of this Complaint.

27 35.No oriental fruit fly infestation has ever been found on Mr. Hood's property.
28

1 36. Upon information and belief, Defendants have made no specific findings or
2 allegations regarding Mr. Hood's property to establish probable cause for a
3 specific warrant.

4 ***The Warrant***

5 37. Shortly after issuing the Proclamation, the CDFA applied to the San
6 Bernardino County Superior Court for an "inspection and abatement" warrant
7 to enter private properties to inspect them for evidence of oriental fruit flies.
8 The court issued the warrant on February 15, 2024.

9 38. The warrant covered a 554-square-mile area, an area nearly 12 times the size
10 of San Francisco.

11 39. The warrant authorized CDFA officials to enter and search the exterior areas
12 of any property within the 554-square-mile Search Area, including curtilage,
13 and further authorized CDFA officials to execute the warrant regardless of
14 whether the property owner was present or even aware of the search.

15 40. The warrant further authorized any peace officer to "use such reasonable force
16 as is necessary for Department employees to gain entry to the exterior premises
17 and to conduct any and all inspection and abatement activities to which this
18 warrant pertains."

19 41. The warrant provided CDFA officials with judicially unconstrained discretion
20 over which properties to search within the 554-square-mile Search Area, with
21 no mechanism for precompliance review or the establishment of probable
22 cause with respect to the search of any particular property.

23 42. While the Warrant prospectively required CDFA officials to find oriental fruit
24 fly larvae within 100 meters or a half mile of any particular property to be
25 searched, the warrant did not require any oath, affirmation, or affidavit
26 establishing the existence of this precondition.

1 43.No oath, affirmation, affidavit, or statement of probable cause was furnished
2 to any court concerning the finding of oriental fruit flies or their larvae near
3 Mr. Hood's particular property.

4 44.Nor did any of the Defendants represent to Mr. Hood, let alone present
5 evidence establishing, that fruit flies or larvae were found within 100 meters
6 or a half mile of his property, as explicitly required in the Proclamation of
7 Emergency.

8 45.On information and belief, Defendants have a policy or practice of regularly
9 disregarding the Proclamation's requirements to further establish the existence
10 of oriental fruit flies or their larvae within 100 meters or a half mile of any
11 particular property to be searched.

12 46.No Defendants, either jointly nor severally, made any effort or application to
13 obtain a specific warrant for Mr. Hood's property.

14 47.No oath, affirmation, affidavit, or statement of probable cause was furnished
15 to any court concerning the likelihood of finding oriental fruit flies or their
16 larvae on Mr. Hood's particular property.

17 48.No oath, affirmation, affidavit, or statement of probable cause was furnished
18 to any court concerning the finding of oriental fruit flies or their larvae within
19 100 meters or half a mile of his property.

20 49.The warrant did not include Mr. Hood's name, address, or any identifying
21 information whatsoever to distinguish his home from the thousands of homes
22 the warrant facially applied to.

23 50.No specific places or persons were described in the warrant or any form
24 appended thereto.

25 51.The warrant was set to expire after 90 days and so expired on June 20, 2024.
26 The Proclamation, however, remains in effect until July 21, 2025.

1 52. Absent action by this Court, there is a substantial likelihood that similar
2 unconstitutional general warrants will be obtained and executed against Mr.
3 Hood's property in the future.

4 ***CDFA demands to search Mr. Hood's property***

5 53. During the Spring of 2024, CDFA posted a notice on Mr. Hood's front door
6 requesting permission to search his property for oriental fruit flies, indicating
7 that some flies had been spotted recently in his neighborhood and that his
8 property was believed to contain "host material" (i.e., citrus fruits on the trees
9 in his backyard). While the notice sought consent, it also asserted CDFA's
10 authority to search the property regardless of whether Mr. Hood consented.

11 54. Mr. Hood responded by phone and email to CDFA after reviewing the notice,
12 indicating that he would be withholding his consent. Mr. Hood indicated that
13 he opposed government agents trespassing on his property, but offered to send
14 photographs of his citrus trees to the CDFA to show they did not currently bear
15 any fruit.

16 55. CDFA informed Mr. Hood that it had authority to search his property without
17 permission and told Mr. Hood he must allow the inspection.

18 56. On or about March 28, 2024, CDFA posted a second notice on Mr. Hood's
19 front door informing him that the property was subject to inspection and that
20 he must contact CDFA "no later than 4:30 p.m., Monday April 1, 2024 to
21 schedule the removal of all host fruit from [his] property."

22 57. Communications from CDFA to Mr. Hood repeatedly emphasized that all of
23 Mr. Hood's neighbors were consenting to the inspections without the need for
24 the execution of the warrant.

25 ***CDFA executes the general warrant against Mr. Hood***

26 58. On or about April 5, 2024, CDFA Defendant Guerrero, accompanied by CHP
27 Defendants Dallin and Peterson, arrived at Mr. Hood's property to execute the
28 warrant and search his property.

1 59.CDFA had ample time between its initial communication with Mr. Hood and
2 its search of Mr. Hood's property to apply for a specific warrant and receive a
3 decision thereon from a court of competent jurisdiction.

4 60.Mr. Hood met the CDFA and CHP officers at the foot of his long, steep
5 driveway.

6 61.Mr. Hood pointed to the warrant in Defendant Dallin's hands, informing him
7 that the document did not list his name or address and that it was therefore
8 invalid.

9 62.Mr. Hood pointed out to Defendant Dallin that the warrant covered an area of
10 over 500 square miles.

11 63.The officer inspected the warrant carefully and announced that it was valid,
12 concluding verbally that Mr. Hood's property was within that area.

13 64.Defendant Guerrero informed Mr. Hood while the warrant was being executed
14 that every other property within the neighborhood had already been searched,
15 but that Mr. Hood's property was the only one that they hadn't been able to
16 access.

17 65.Mr. Hood made it clear that he did not consent to the search, but that he would
18 not resist the warrant's execution.

19 66.Under protest, Mr. Hood then accompanied Defendant Guerrero, Defendant
20 Dallin, and Defendant Peterson up his driveway to the hill atop which his
21 house sits.

22 67.The Defendant officers proceeded past the driveway, around the garage, past
23 a fence, and into Mr. Hood's backyard, where the Defendant officers inspected
24 the trees around Mr. Hood's patio, directly adjacent to his house.

25 68.Mr. Hood's patio is an area directly adjacent to and behind his house.

26 69.The back door of Mr. Hood's house opens directly onto the patio.

27 70.The patio is enclosed by a fence and contains a swimming pool, lounge chairs,
28 grill, pergola, fire pit, swing, and basketball hoop.

1 71. The patio is an area to which the intimate activities of Mr. Hood's residential
2 home life extends, where his family cooks, eats, and relaxes.

3 72. No oriental fruit flies or "host material" were found during the inspection.

4 73. After the inspection, Mr. Hood accompanied the officers back down the hill
5 and off his property.

6 74. The officers informed him that he was the only property owner against whom
7 they had to execute the warrant.

8 75. Throughout the April 4 encounter, Mr. Hood was respectful to the officers, but
9 firmly and repeatedly stated that he did not consent to the search of his
10 property.

11 ***CDFA is a repeat offender with general warrants***

12 76. While the particular warrant enforced upon Mr. Hood expired after 90 days,
13 the Proclamation, which was first issued on September 27, 2023, remains in
14 effect until July 21, 2025, and continues to include Mr. Hood's home within
15 the designated Search Area.

16 77. CDFA has obtained and executed several general warrants similar to the one
17 at issue in this case targeting residential areas of San Bernardino County,
18 California within the past five years.

19 78. On April 19, 2019, CDFA obtained a general warrant of substantially similar
20 scope and dimensions as the one complained of in this action to search private
21 properties and curtilages for Virulent Newcastle Disease. *See Exhibit B.*

22 79. The April 19, 2019 warrant included Mr. Hood's private residential property
23 within its boundaries.

24 80. The April 19, 2019 warrant was extended, on CDFA's application, to expire
25 on July 1, 2020.

26 81. With CDFA's repeated and recent practice of obtaining and executing general
27 warrants within San Bernardino County, there is a substantial and impending
28 likelihood that Mr. Hood's property will again be subject to another general

1 warrant of similar dimension and unconstitutionality as the warrant already
2 executed against his property.

3 82.To the extent the search of Mr. Hood’s home was supported by the discovery
4 of oriental fruit flies or their larvae within a prescribed distance of his property
5 and the large concentration of citrus trees in the area, it is substantially likely
6 that such conditions will recur. The environment giving rise to this search has
7 not substantially changed since the execution of the warrant against Mr. Hood.

8 83.To the extent the search of Mr. Hood’s home was not supported by an oath or
9 affirmation of specific discovery of oriental fruit flies or their larvae within a
10 prescribed distance from his property, and to the extent Defendants have a
11 policy or practice of disregarding similar requirements found in other
12 proclamations, the empirical presence or absence of fruit flies in any particular
13 area is irrelevant to whether the execution of similar general warrants against
14 Mr. Hood is likely to recur.

15 **CLAIM FOR RELIEF**

16 **Count I**

17 **Violation of Mr. Hood’s Fourth Amendment Rights**

18 **(Fourth Amendment and 42 U.S.C. § 1983)**

19 84.Plaintiff realleges and incorporates the allegations in the preceding paragraphs.

20 85.The Fourth Amendment prohibits general warrants, commanding that all
21 warrants be “supported by Oath or affirmation” and “particularly describ[e]
22 the places to be searched and the persons or things to be seized.”

23 86.Physical trespasses to persons, houses, papers, and effects are searches under
24 the Fourth Amendment. *Florida v. Jardines*, 569 U.S. 1, 10–11 (2013) (citing
25 *United States v. Jones*, 565 U.S. 400, 406–09 (2012)).

26 87.The warrant issued on February 15, 2024, and executed against Mr. Hood on
27 or about April 4, 2024, is a general warrant in violation of the U.S.
28 Constitution’s Fourth Amendment.

1 88.The execution of the warrant against Mr. Hood’s property constituted an
2 unlawful search and violated Mr. Hood’s fundamental Fourth Amendment
3 right to be secure in his house and curtilage against unreasonable searches.

4 89.The warrant executed against the curtilage of Mr. Hood’s house was not
5 adequately supported by an “oath or affirmation” respecting his property.

6 90.The warrant did not “particularly describ[e] the place to be searched,”
7 rendering it general in nature rather than specific, in violation of the Fourth
8 Amendment’s particularity requirement.

9 91.The warrant did not rely on probable cause particularized to Mr. Hood’s
10 property, in violation of the Fourth Amendment’s probable cause and
11 particularity requirements.

12 92.On its face, the warrant applied equally to nearly every piece of property
13 located within a 554-square-mile area, an area that includes thousands of
14 residential households, without regard for whether citrus trees are present on
15 any individual property.

16 93.The warrant included no list of names or addresses, nor any particular,
17 identifying information for the specific properties to be searched.

18 94.Defendants acted under color of state law at all times relevant to the facts
19 related in this Complaint, including the execution of the general warrant
20 against Mr. Hood.

21 95.The right to be free from unreasonable searches of houses and curtilage
22 through general warrants is clearly established in this nation’s history, legal
23 tradition, the plain meaning of the text employed by the U.S. Constitution’s
24 Fourth Amendment, and historical and contemporary judicial interpretations
25 thereof.

26 96.It is clearly established that a warrant must be supported by probable cause
27 particularized to the place to be searched and supported by oath or affirmation
28 at the time of the warrant’s issuance.

1 97. A reasonable government official in Defendants Guerrero, Dallin, and
2 Peterson's places would have understood that the execution of the warrant at
3 issue in this case against Mr. Hood's curtilage was an unreasonable search in
4 violation of federally protected Fourth-Amendment rights.

5 98. The Civil Rights Act of 1871 (codified as 42 U.S.C. § 1983) provides a private
6 right of action for challenging deprivations of an individual's "rights,
7 privileges, or immunities secured by the Constitution and laws" conducted by
8 state and local governments under color of law. It provides for compensatory,
9 equitable, "or other proper proceedings for redress."

10 99. In the process of executing the warrant against Mr. Hood, CDFA and CHP
11 officers entered the curtilage of Mr. Hood's private residence without
12 obtaining the consent of Mr. Hood or any other resident and searched his
13 home's curtilage under the asserted authority of the warrant, the Proclamation,
14 and California state law, in violation of the U.S. Constitution's Fourth
15 Amendment, as applied to the States through the Fourteenth Amendment and
16 42 U.S.C. § 1983.

17 100. On information and belief, CDFA continues to seek and execute general
18 warrants of the same nature within San Bernardino, many of which are likely
19 to include Mr. Hood's property.

20 **PRAYER FOR RELIEF**

21 Wherefore, Plaintiff respectfully requests that this Court enter judgment in his
22 favor and provide the following relief:

- 23 1. Declare that the warrant described by this complaint, a copy of which is
24 appended hereto as Exhibit A, is a general warrant that violates the U.S.
25 Constitution's Fourth Amendment, as to all Defendants;
- 26 2. Declare that the execution of such warrants against the curtilage of a home
27 violates the U.S. Constitution's Fourth Amendment, as to all Defendants;
- 28

3. Permanently enjoin all Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them from enforcing against Mr. Hood's house or curtilage any general warrant of the same or substantially similar dimensions as those contained in Exhibit A;
4. Award Plaintiff nominal money damages in compensation for the violation of his Fourth Amendment rights, which occurred through an unlawful physical trespassory search pursuant to a general warrant, as to Defendants Dallin, Guerrero, and Peterson;
5. Award Plaintiff his costs, attorneys' fees, and other expenses in accordance with law, including 42 U.S.C. § 1983; and
6. Order such additional relief as justice may require.

DATED: May 8, 2025.

Respectfully submitted,

JEREMY TALCOTT

By s/ Jeremy Talcott

JEREMY TALCOTT

DAVID MCDONALD

By s/ David McDonald

DAVID MCDONALD*

** Pro Hac Vice
Attorneys for Plaintiff*

EXHIBIT A

5:24-cv-2275

SBSW 24 - 01195

1 ROB BONTA
2 Attorney General of California
3 ERIC M. KATZ, State Bar No. 204011
4 Supervising Deputy Attorney General
5 BENJAMIN LEMPERT, State Bar No. 344239
6 Deputy Attorney General
7 300 South Spring Street, Suite 1702
8 Los Angeles, CA 90013-1230
9 Telephone: (213) 269-6731
10 Fax: (916) 731-2128
11 E-mail: benjamin.lempert@doj.ca.gov
12 *Attorneys for Applicant California Department of*
13 *Food and Agriculture*

[EXEMPT FROM FILING FEES—
GOV. CODE § 6103]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

In the Matter of:

**APPLICATION OF THE CALIFORNIA
DEPARTMENT OF FOOD AND
AGRICULTURE FOR INSPECTION AND
ABATEMENT WARRANT FOR
ORIENTAL FRUITY FLY
ERADICATION PROJECT IN SAN
BERNARDINO COUNTY, CALIFORNIA**

Case No.

MAS 2/15/24
**[PROPOSED] INSPECTION AND
ABATEMENT WARRANT**

[Code Civ Proc., § 1822.59; Food & Agr.
Code, § 5763]

DUPLICATE ORIGINAL

COPY

1 **THE PEOPLE OF THE STATE OF CALIFORNIA TO THE CALIFORNIA**
2 **DEPARTMENT OF FOOD AND AGRICULTURE, GOOD CAUSE APPEARING:**

3 This warrant authorizes the California Department of Food and Agriculture
4 ("Department") to conduct certain inspection and abatement activity within those portions of a
5 Program Area depicted in **Exhibit 1** that are contained within San Bernardino County (the San
6 Bernardino Program Area). **Exhibit 2** provides a map at the street-level of the boundaries of the
7 Program Area. Within the San Bernardino Program Area, this warrant authorizes the Department
8 to enter exterior areas of property to remove fruits within 100 meters of sites (e.g., a tree or bush)
9 where the Department has detected or subsequently detects immature oriental fruit flies, mated
10 female oriental fruit flies, or multiple adult oriental fruit flies. In the event that the Department
11 discovers immature oriental fruit flies or mated female oriental fruit flies at five or more distinct
12 sites in a 60-day period, and each of these sites is separated by no more than a mile, this warrant
13 additionally authorizes the Department to enter exterior areas of property to remove fruits within
14 a half-mile of these sites. The Department is authorized to take such actions pursuant to Food and
15 Agricultural Code section 5763 and the Proclamation of Emergency Program ("Proclamation")
16 issued by the Department on January 12, 2024.

17 The Court finds that there is a significant, clear, and imminent threat posed by the oriental
18 fruit fly in certain areas in San Bernardino County, as detailed in the Proclamation and depicted in
19 the accompanying exhibits. Consequently, the inspection and abatement activities authorized
20 herein may commence on the calendar day following the issuance of this warrant, beginning at
21 8:00 a.m. and ending at 5:00 p.m. on each day, and the Department is authorized to execute this
22 warrant whether or not the property is occupied at the time of your arrival for execution.

23 Any peace officer is authorized to use such reasonable force as is necessary for
24 Department employees to gain entry to the exterior premises and to conduct any and all
25 inspection and abatement activities to which this warrant pertains.

26 Pursuant to Code of Civil Procedure section 1822.55, the Court finds that it is in the
27 public interest to issue this warrant for a period of 90 days, commencing tomorrow, unless further
28

1 extended or renewed, and it shall thereafter be returned to the judge whose signature appears
2 below.

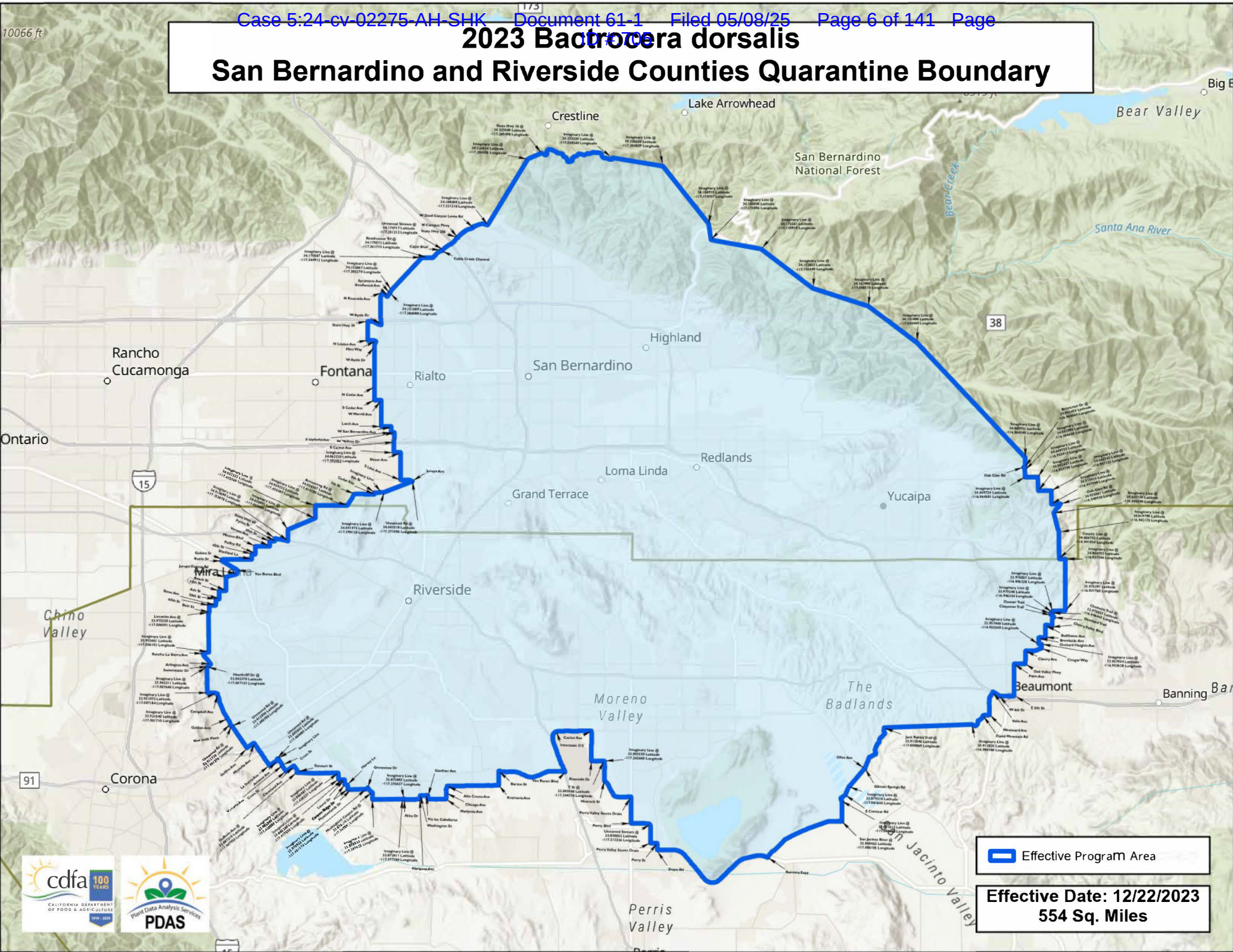
3 Dated: February 15, 2024


4 JUDGE OF THE SUPERIOR COURT



EXHIBIT 1

2023 *Bactrocera dorsalis* San Bernardino and Riverside Counties Quarantine Boundary



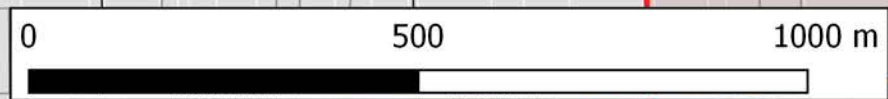
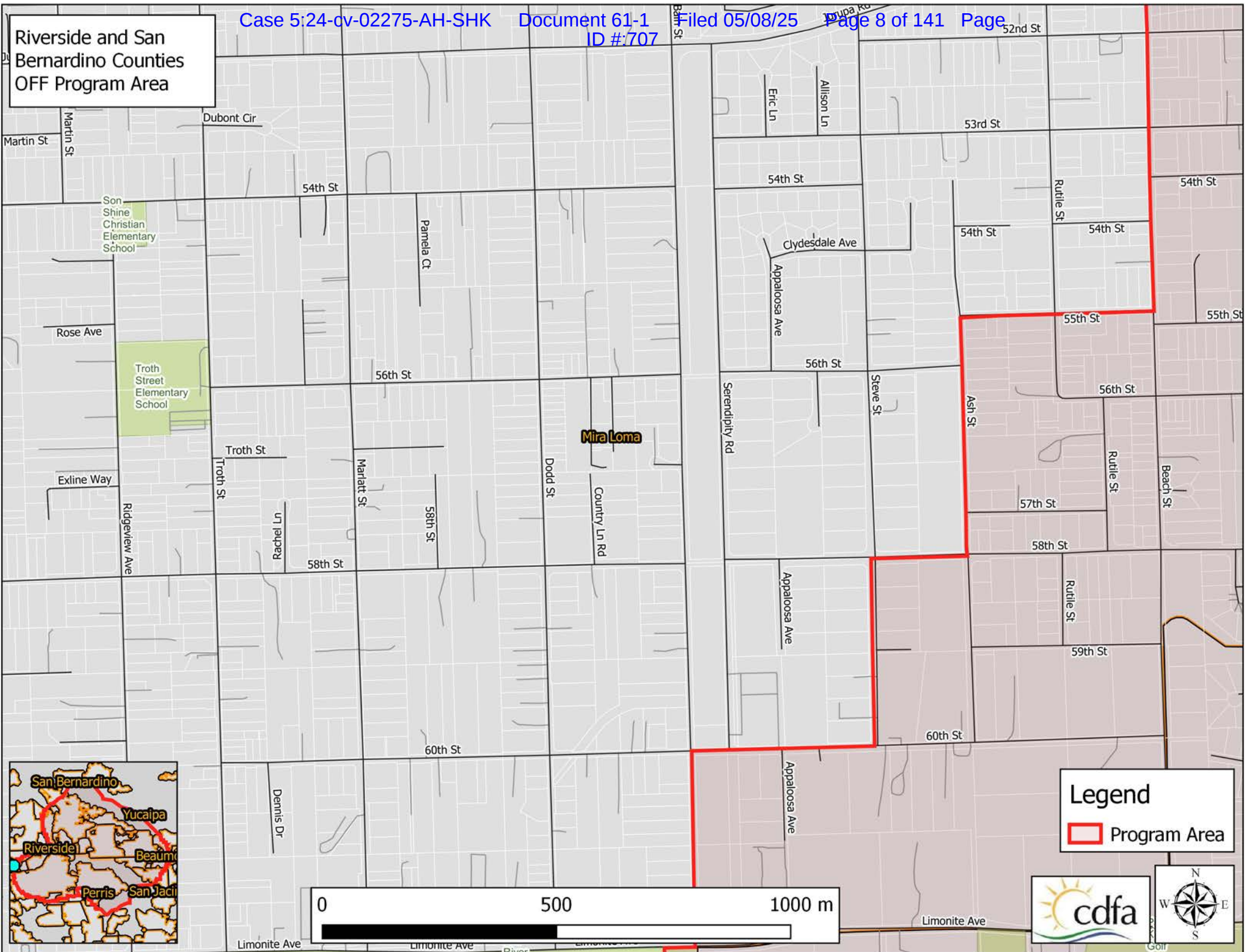
 Effective Program Area

Effective Date: 12/22/2023
554 Sq. Miles



EXHIBIT 2

Riverside and San Bernardino Counties
OFF Program Area

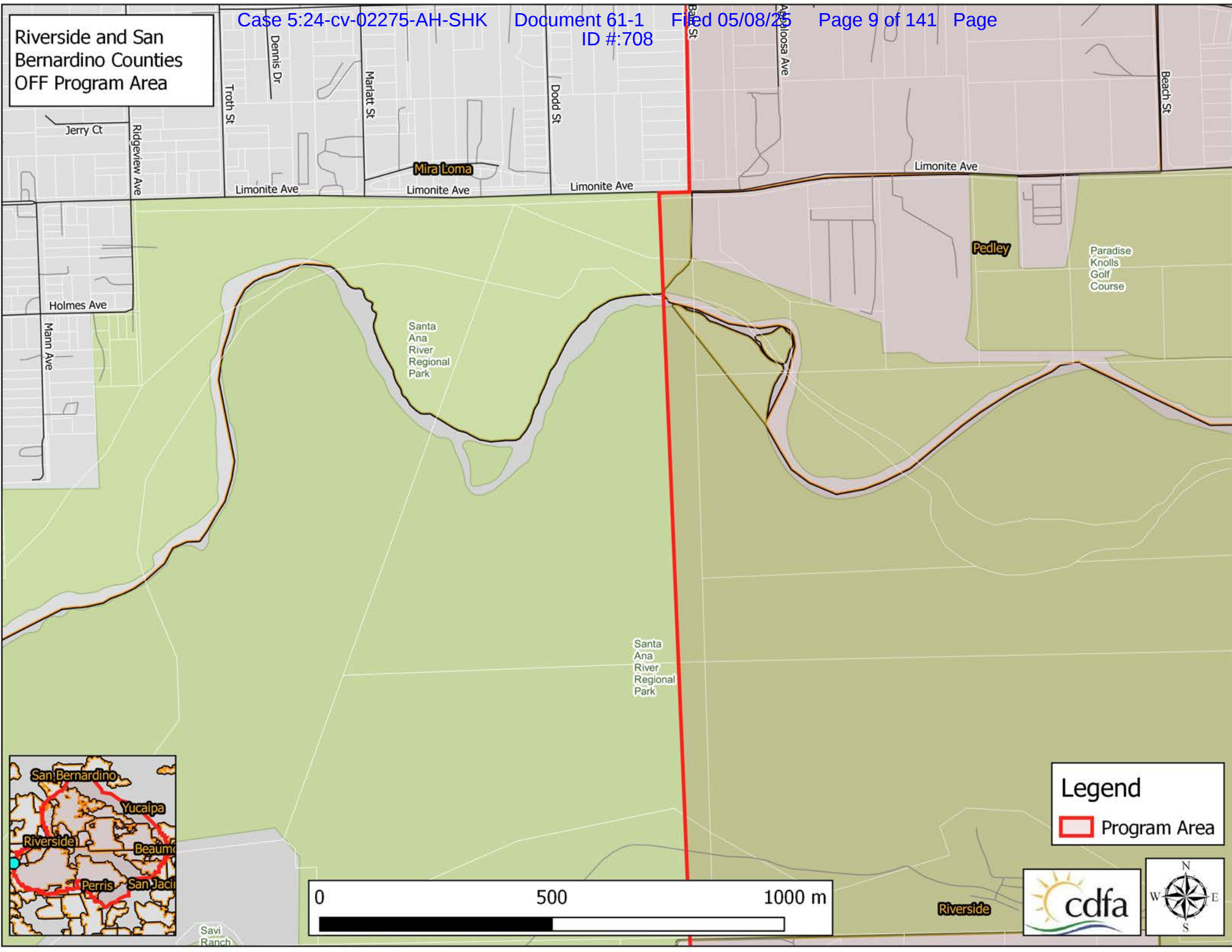


Legend

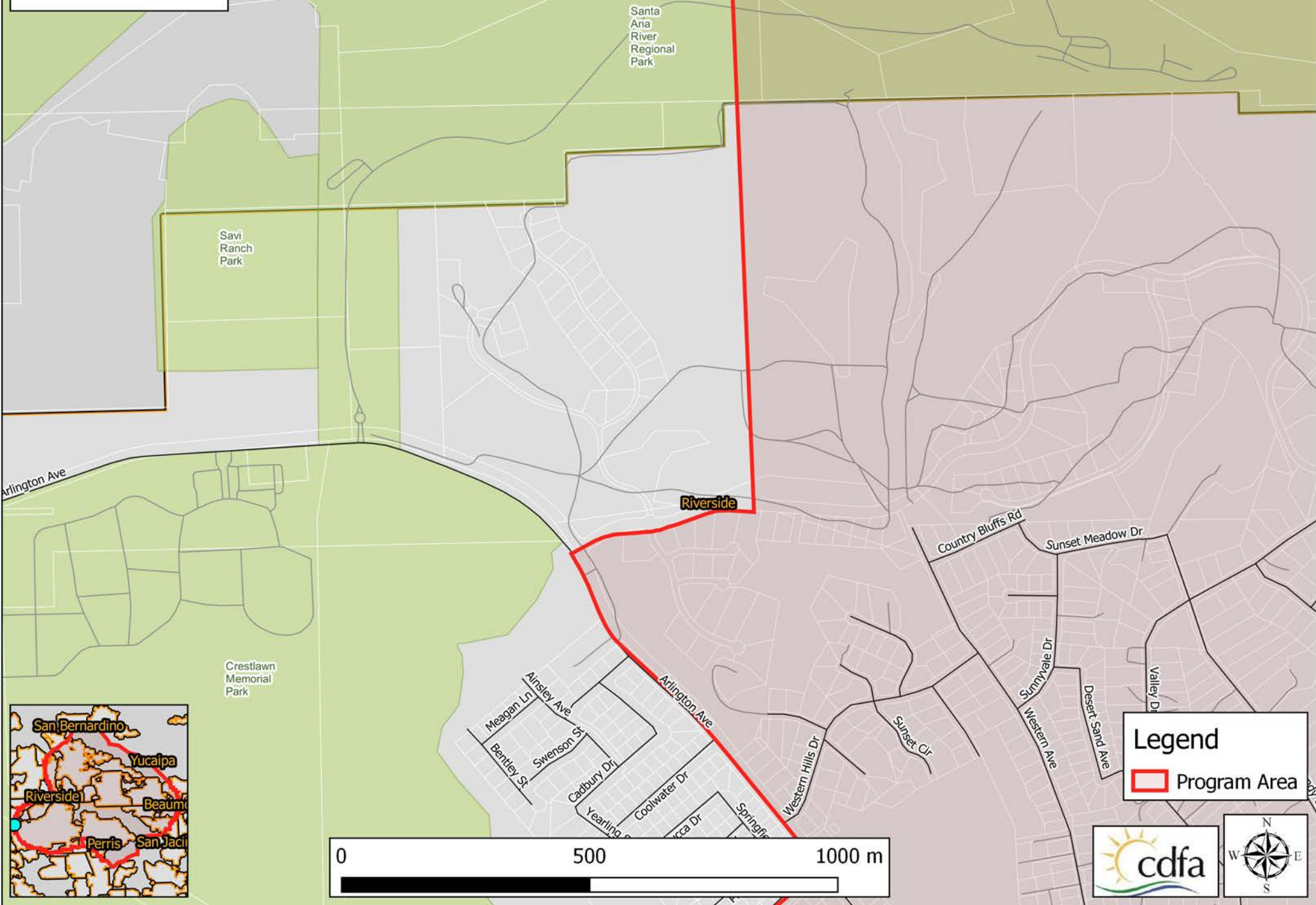
 Program Area

The bottom right corner contains two logos. On the left is the 'cdfa' logo, which features a stylized sun and the letters 'cdfa'. To its right is a compass rose showing the cardinal directions: North (N), South (S), East (E), and West (W).

Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

Crestlawn
Memorial
Park

Riverside

Norco

Divine
Word
Seminary

Legend

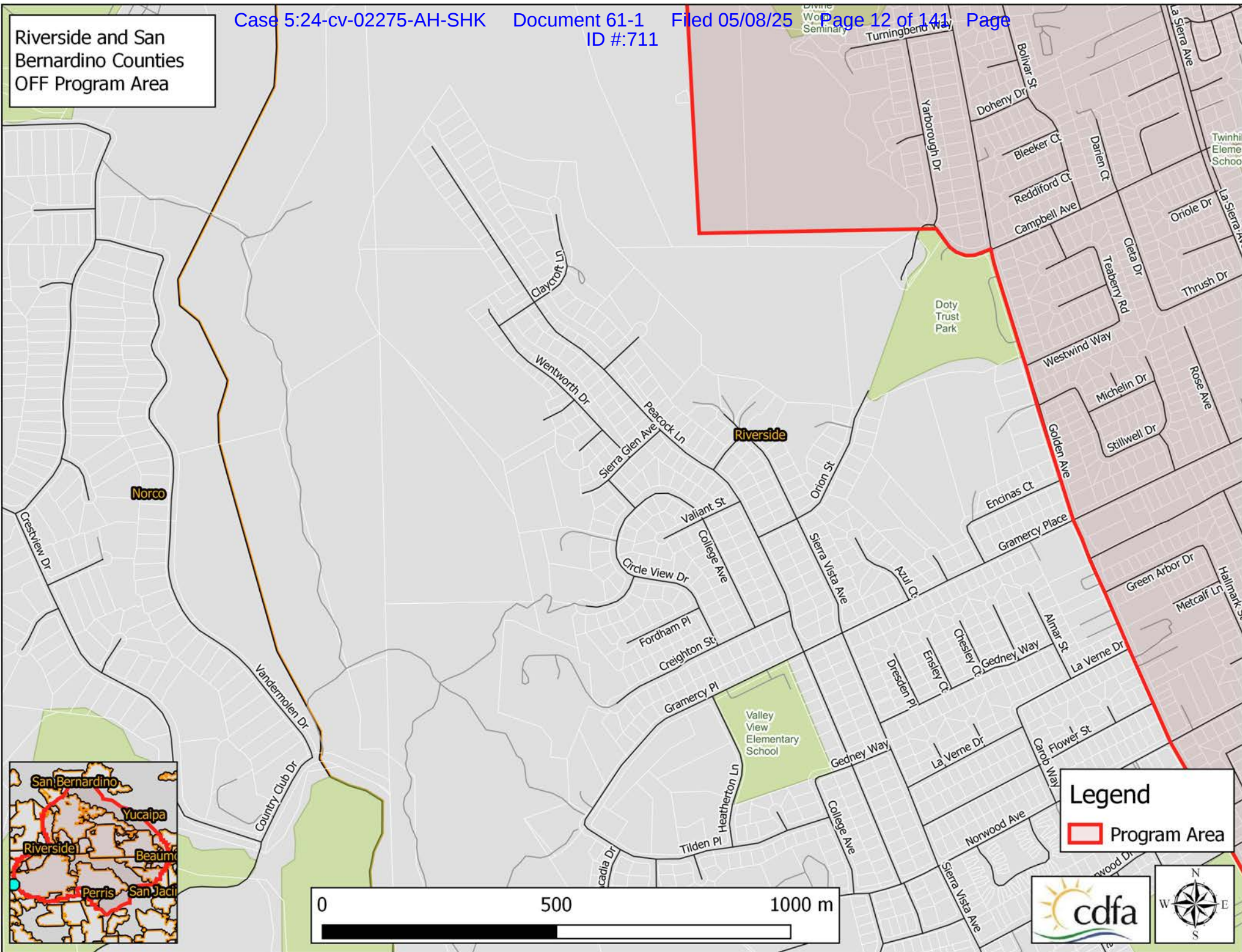
Program Area



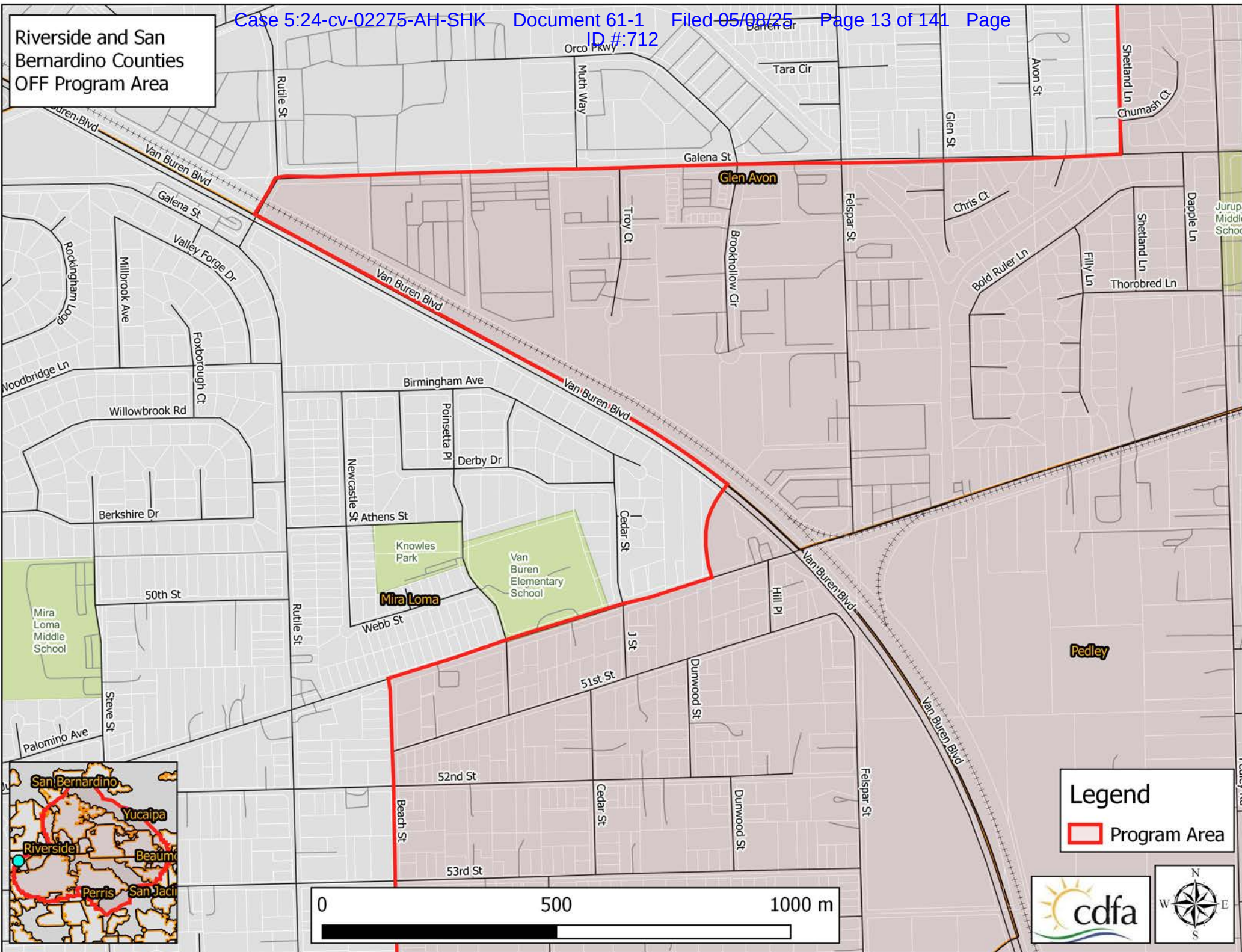
0 500 1000 m



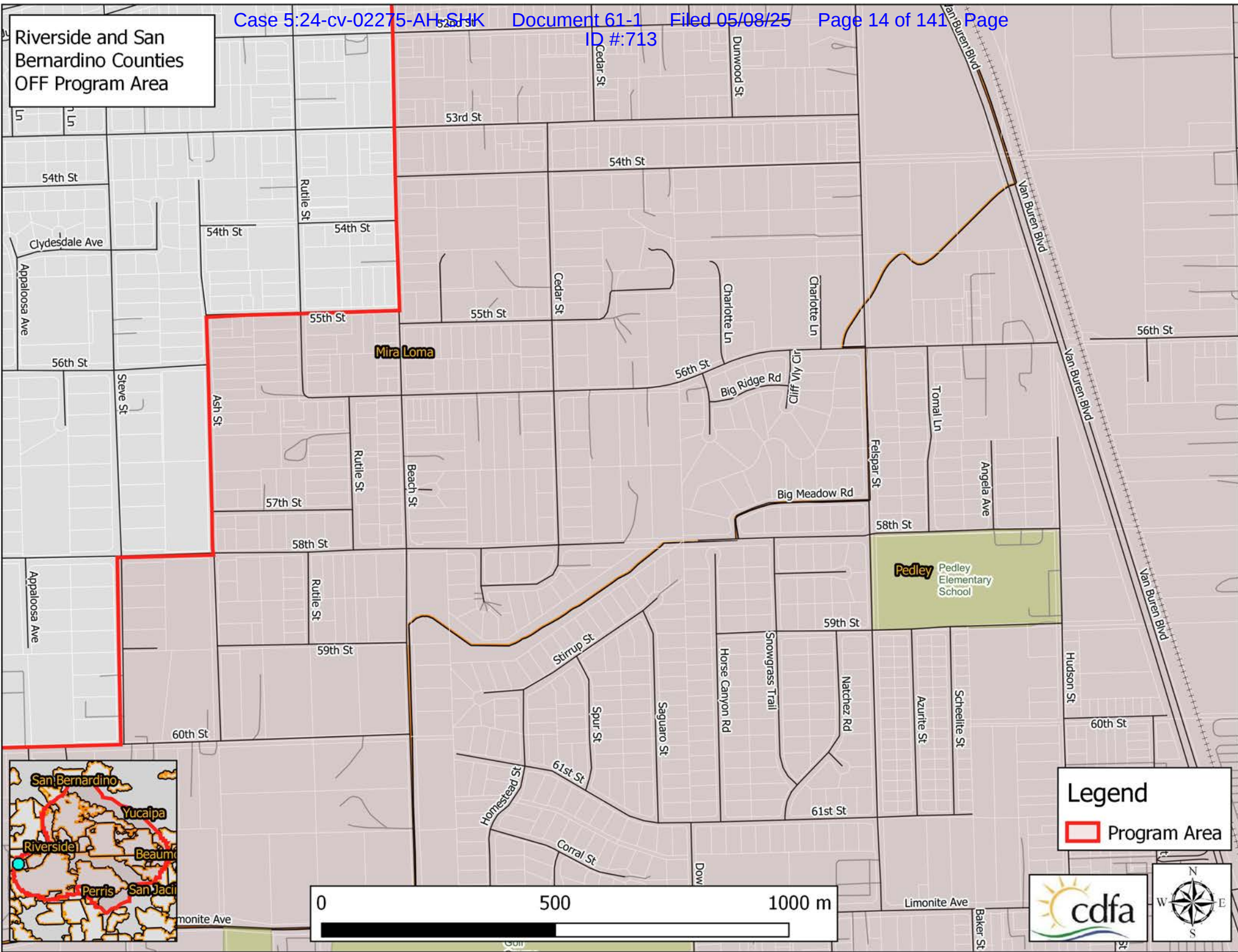
Riverside and San Bernardino Counties
OFF Program Area

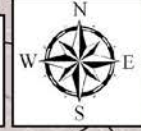


Riverside and San Bernardino Counties
OFF Program Area



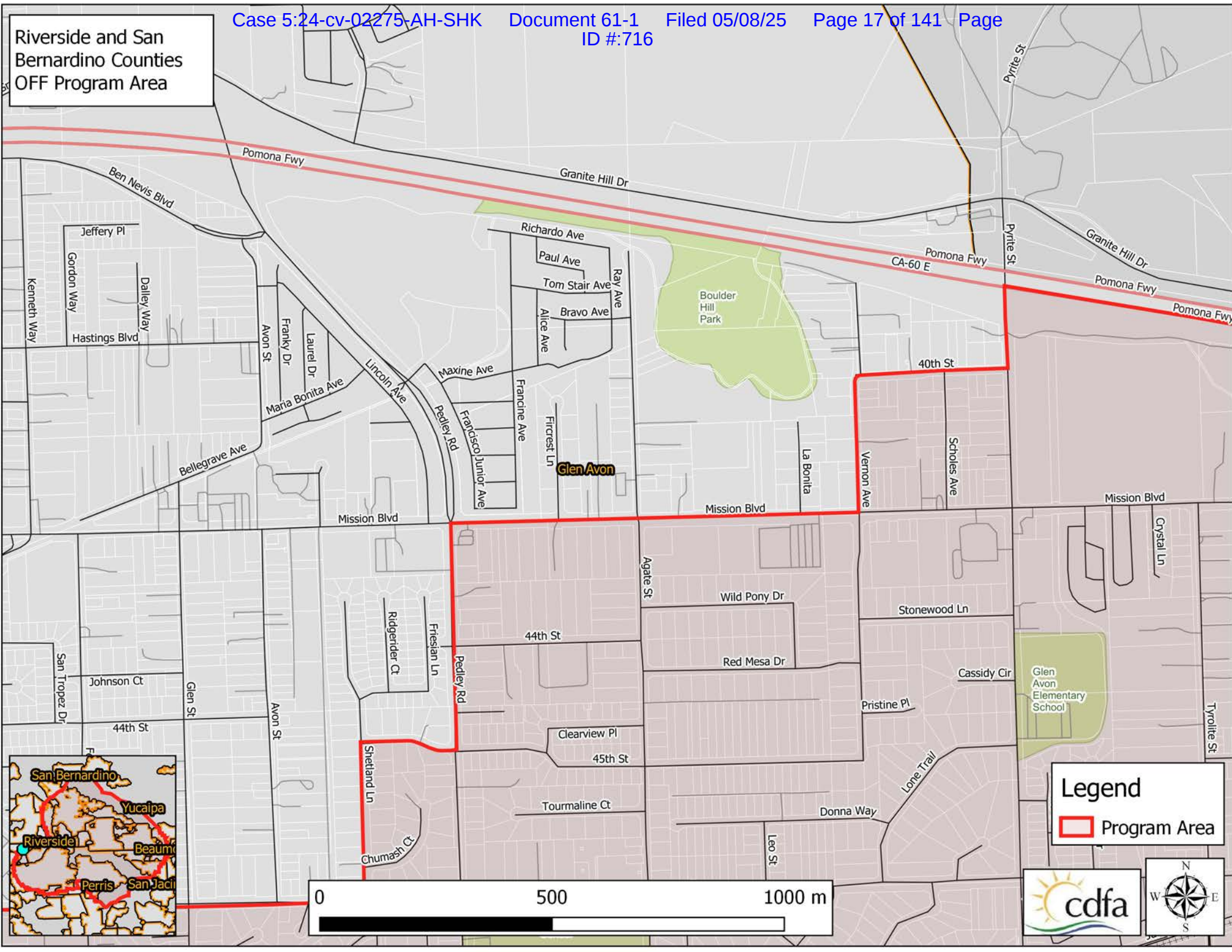
Riverside and San Bernardino Counties
OFF Program Area



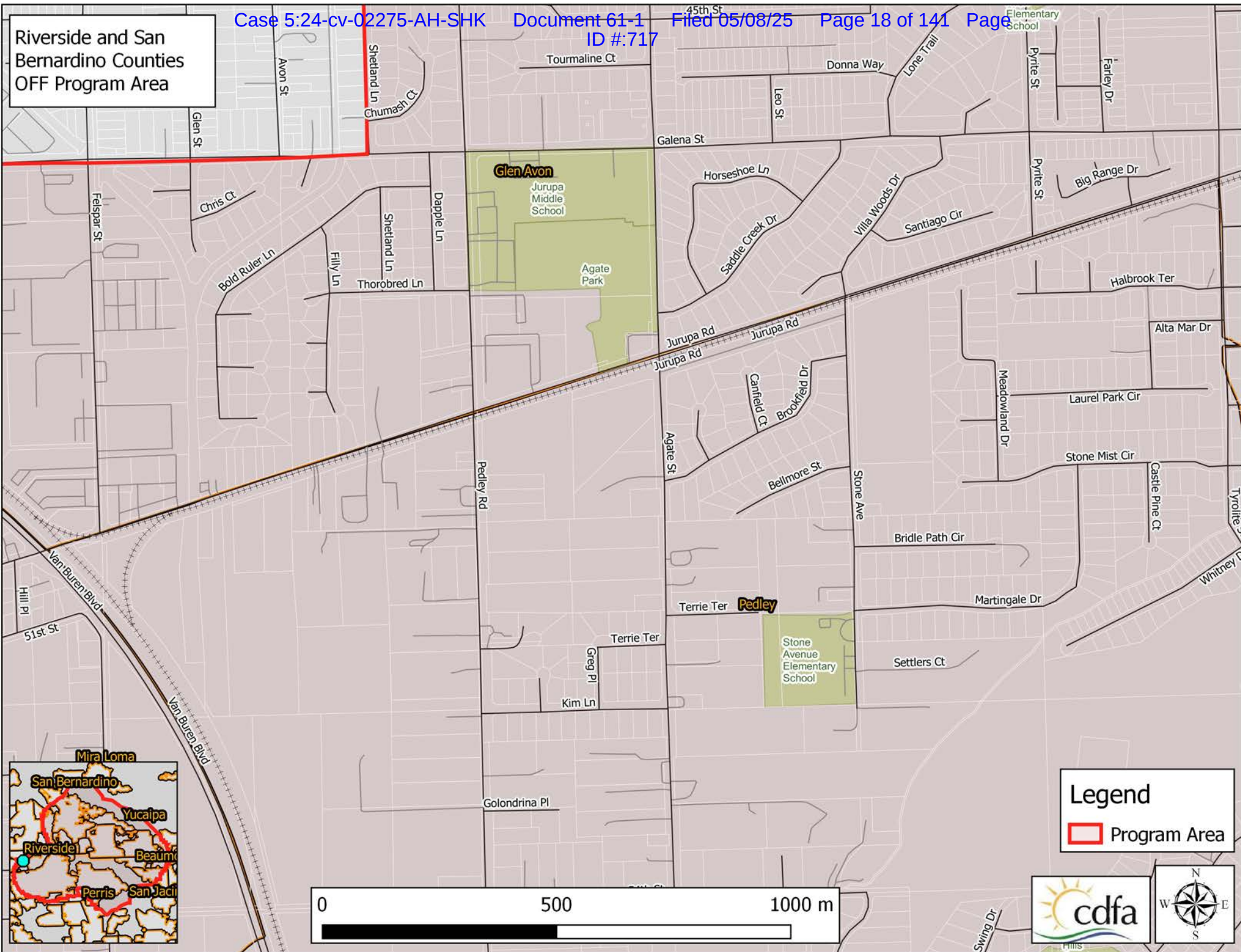


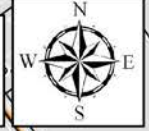


Riverside and San Bernardino Counties
OFF Program Area

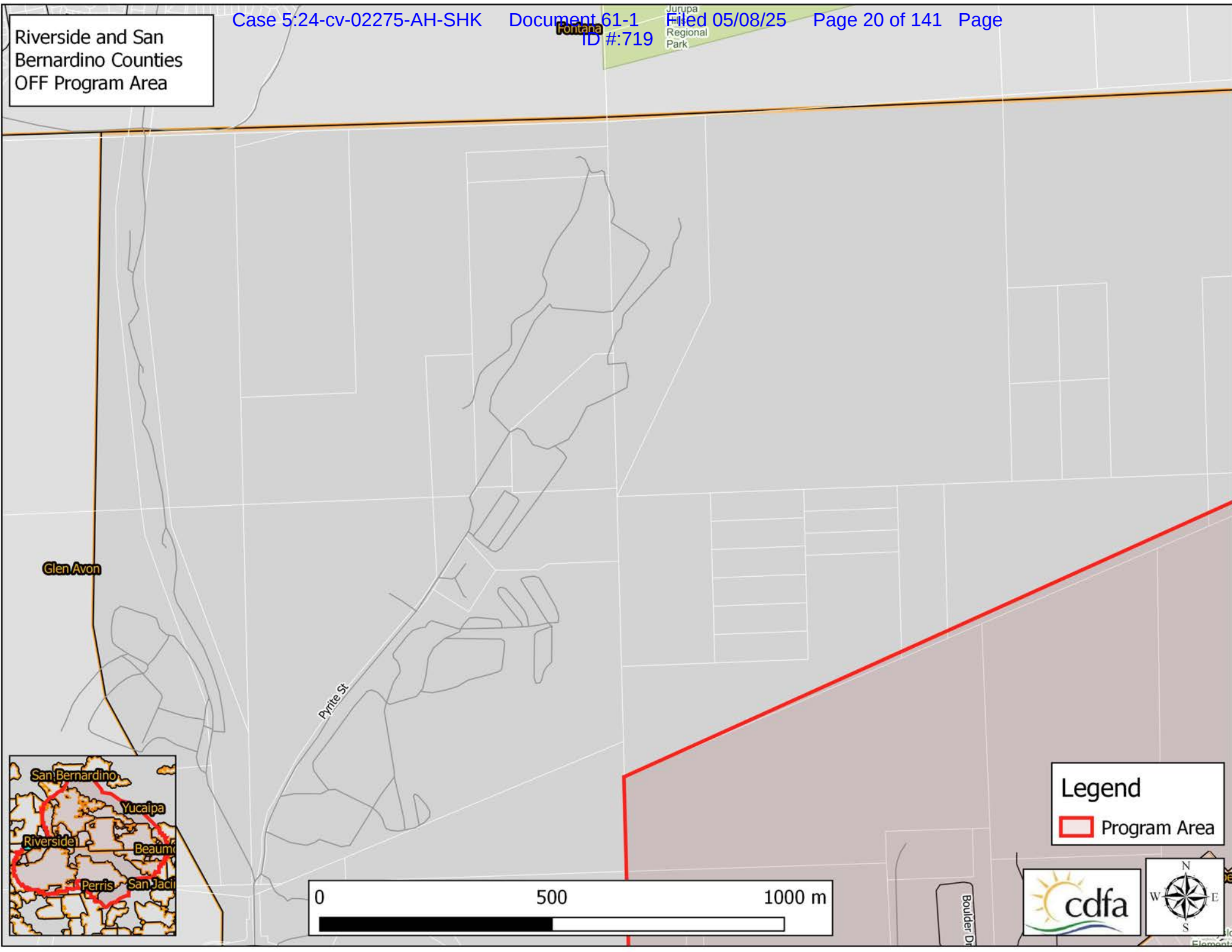


Riverside and San Bernardino Counties
OFF Program Area

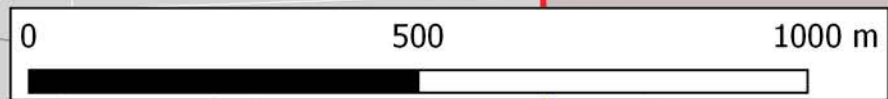




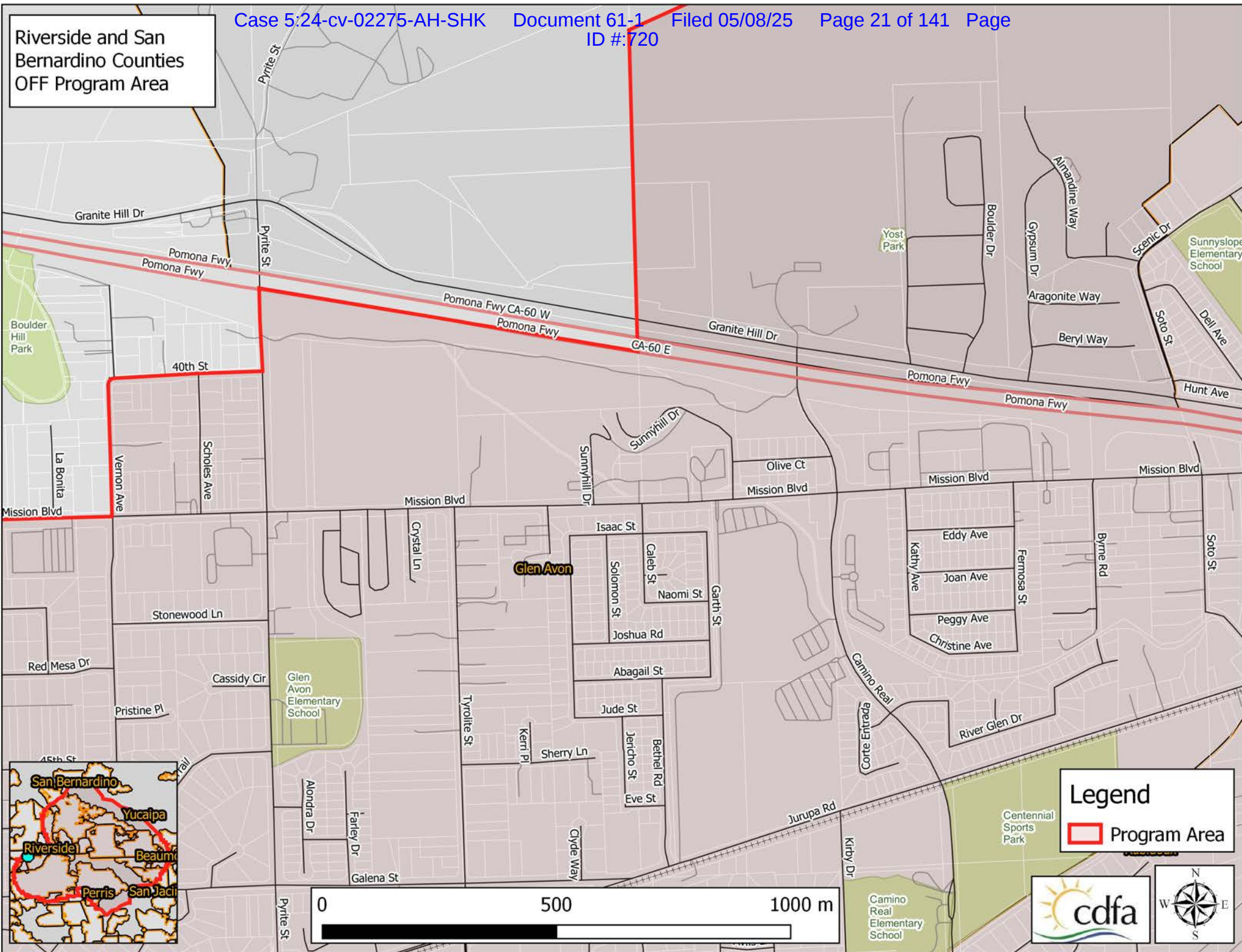
Riverside and San Bernardino Counties
OFF Program Area



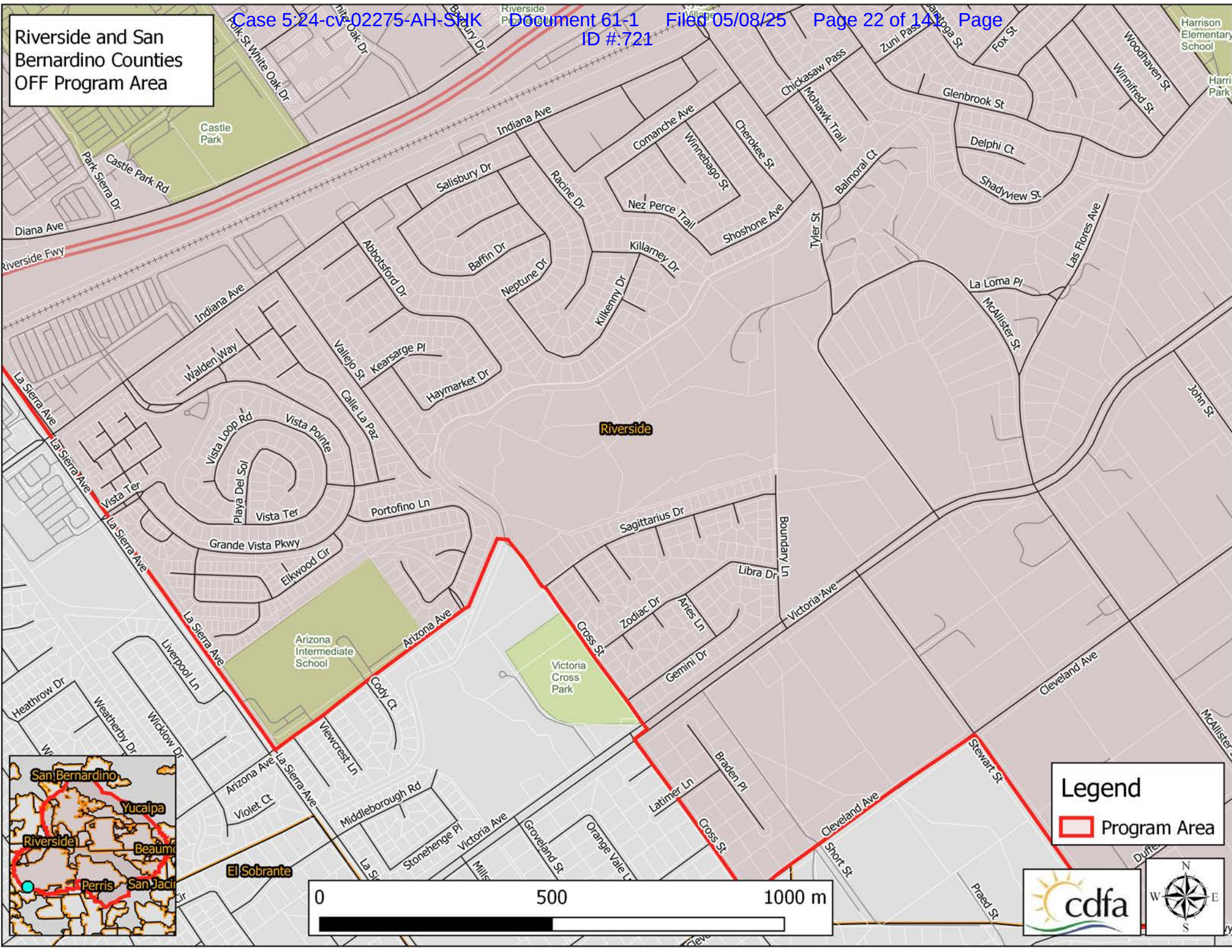
Legend
Program Area



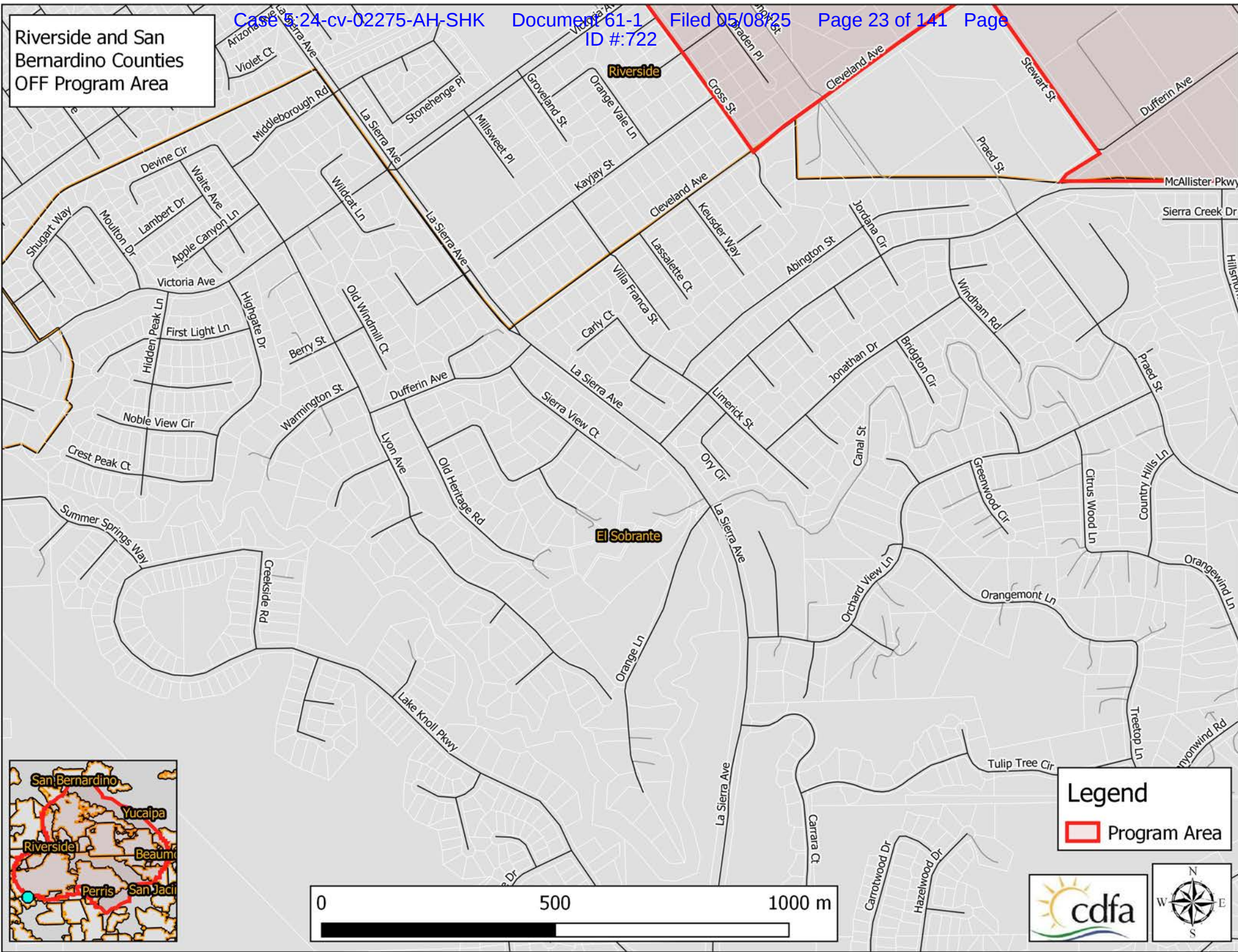
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

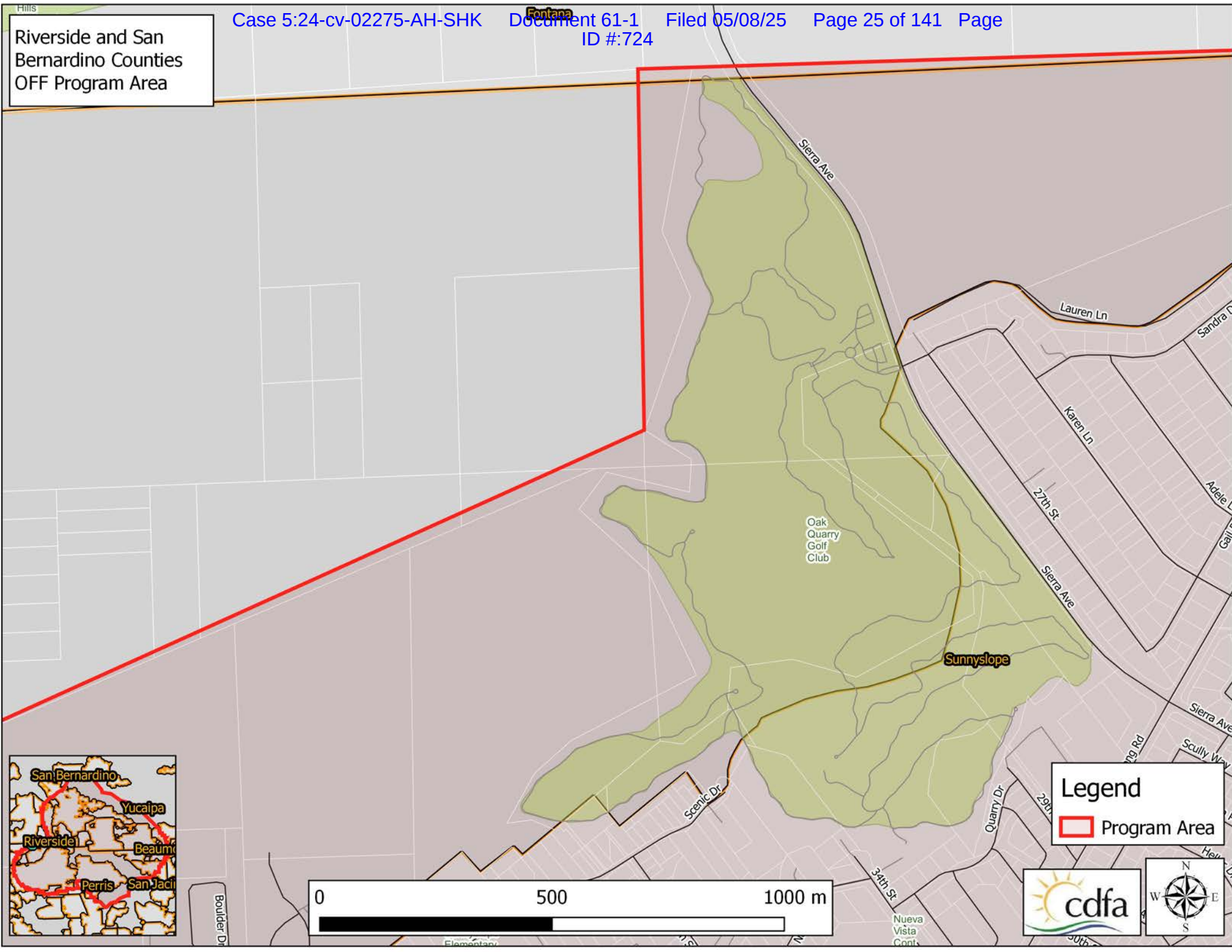


Riverside and San Bernardino Counties
OFF Program Area





Riverside and San Bernardino Counties
OFF Program Area

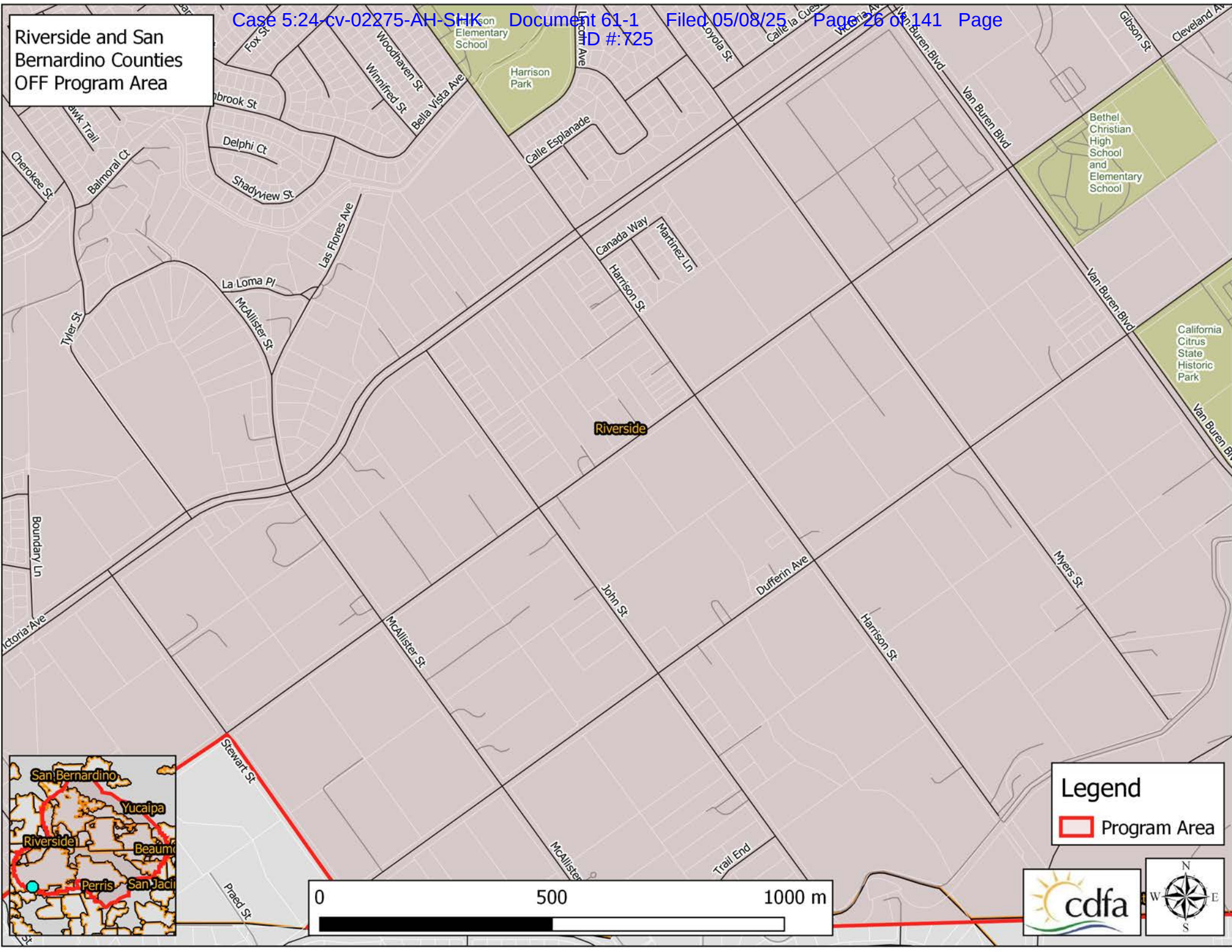


Legend

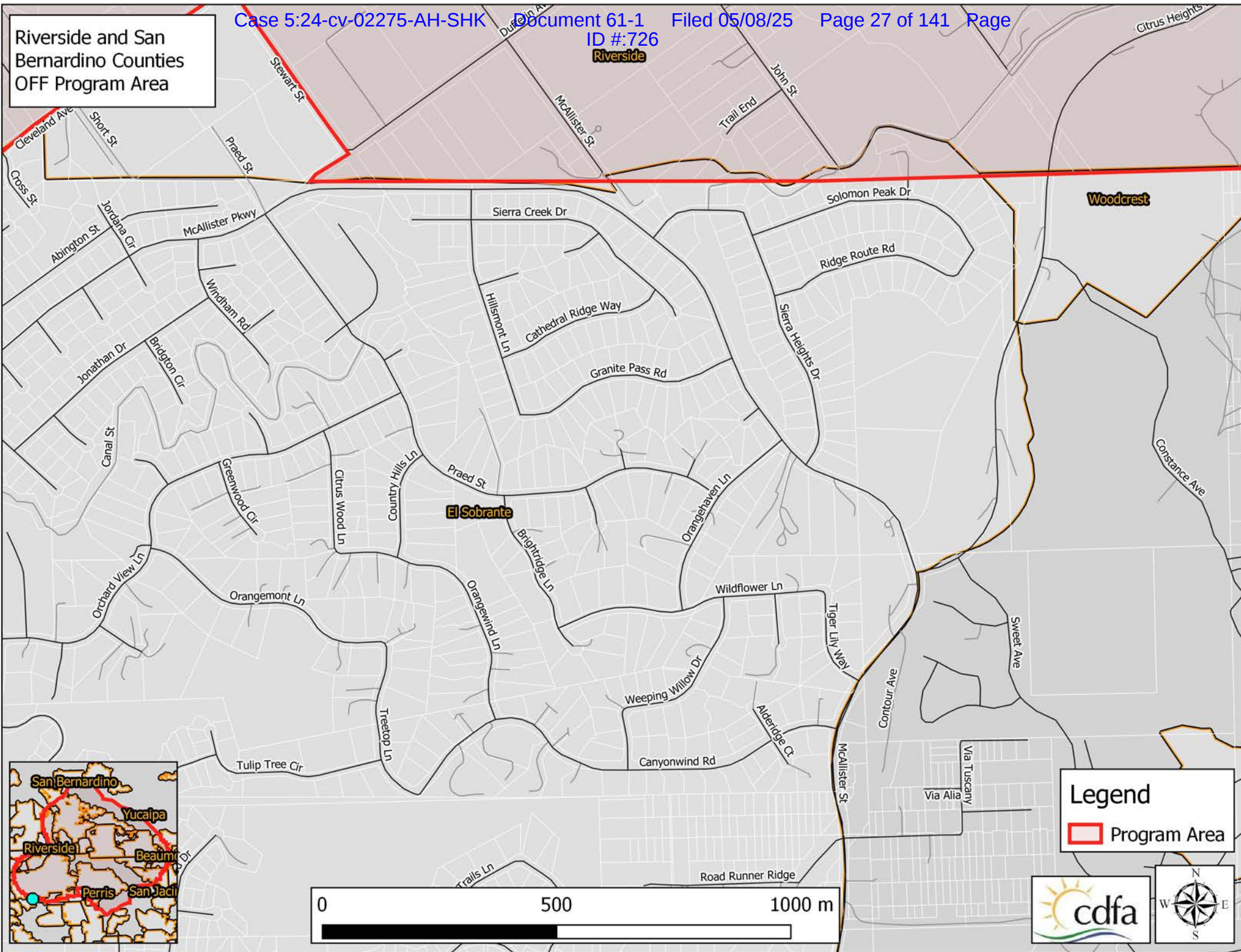
 Program Area



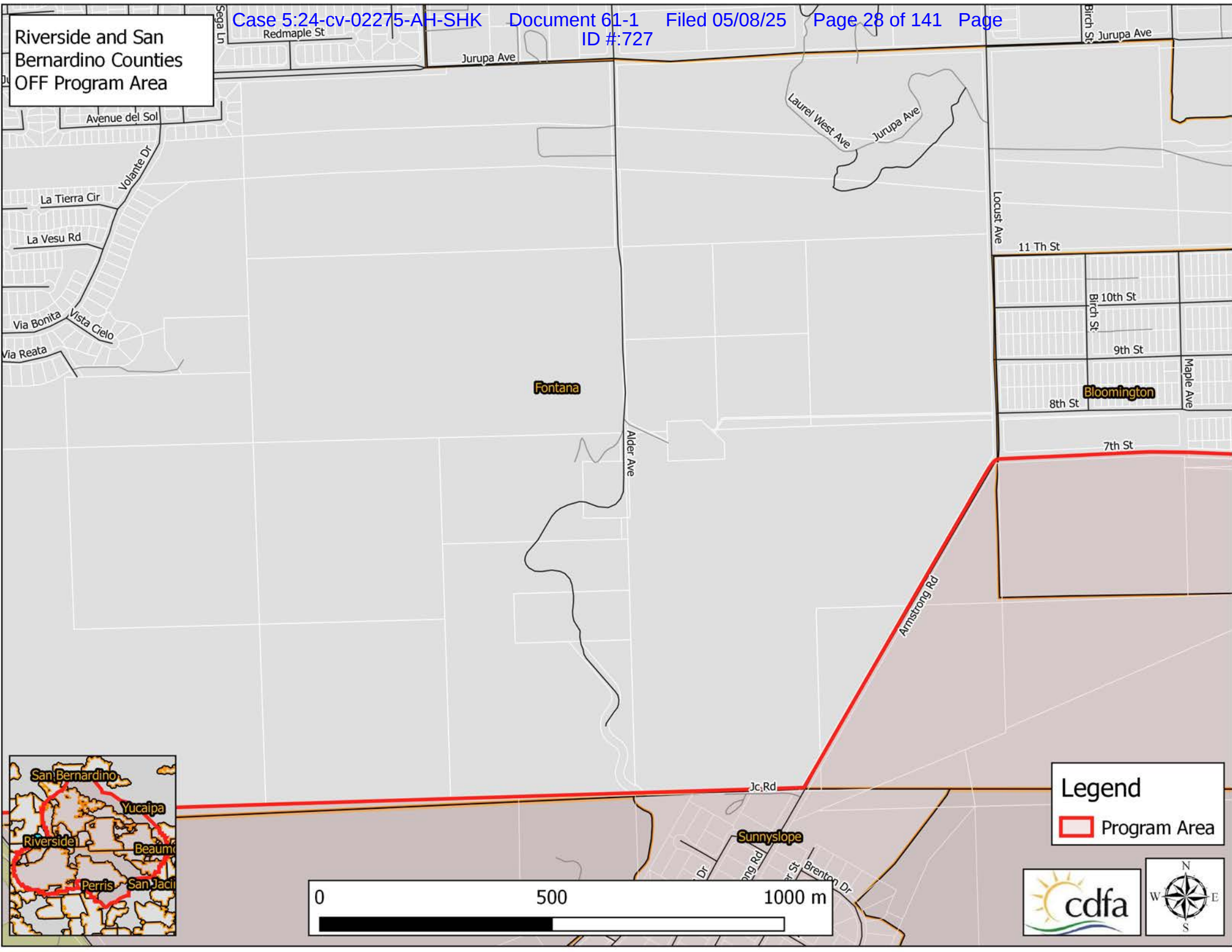
Riverside and San Bernardino Counties
OFF Program Area



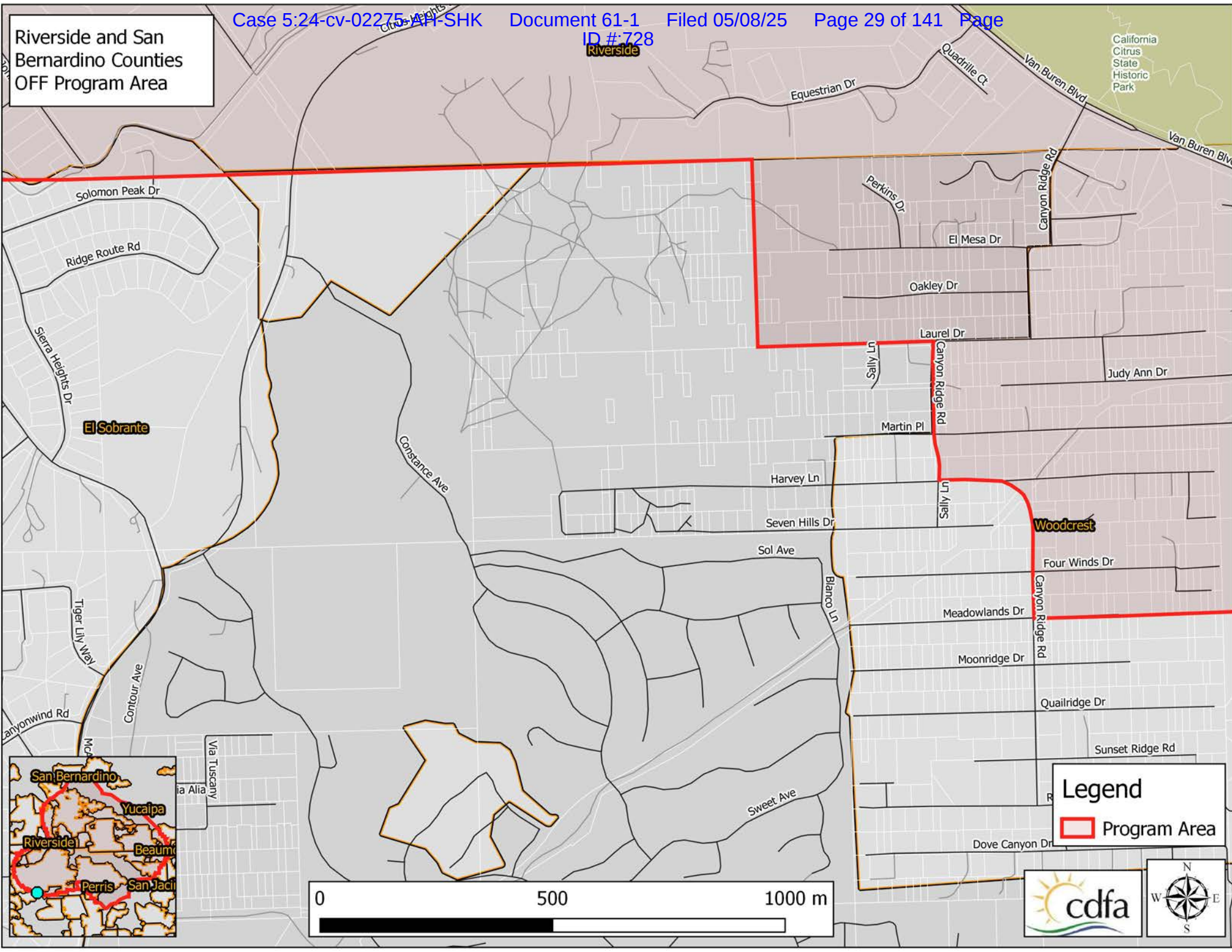
Riverside and San Bernardino Counties
OFF Program Area



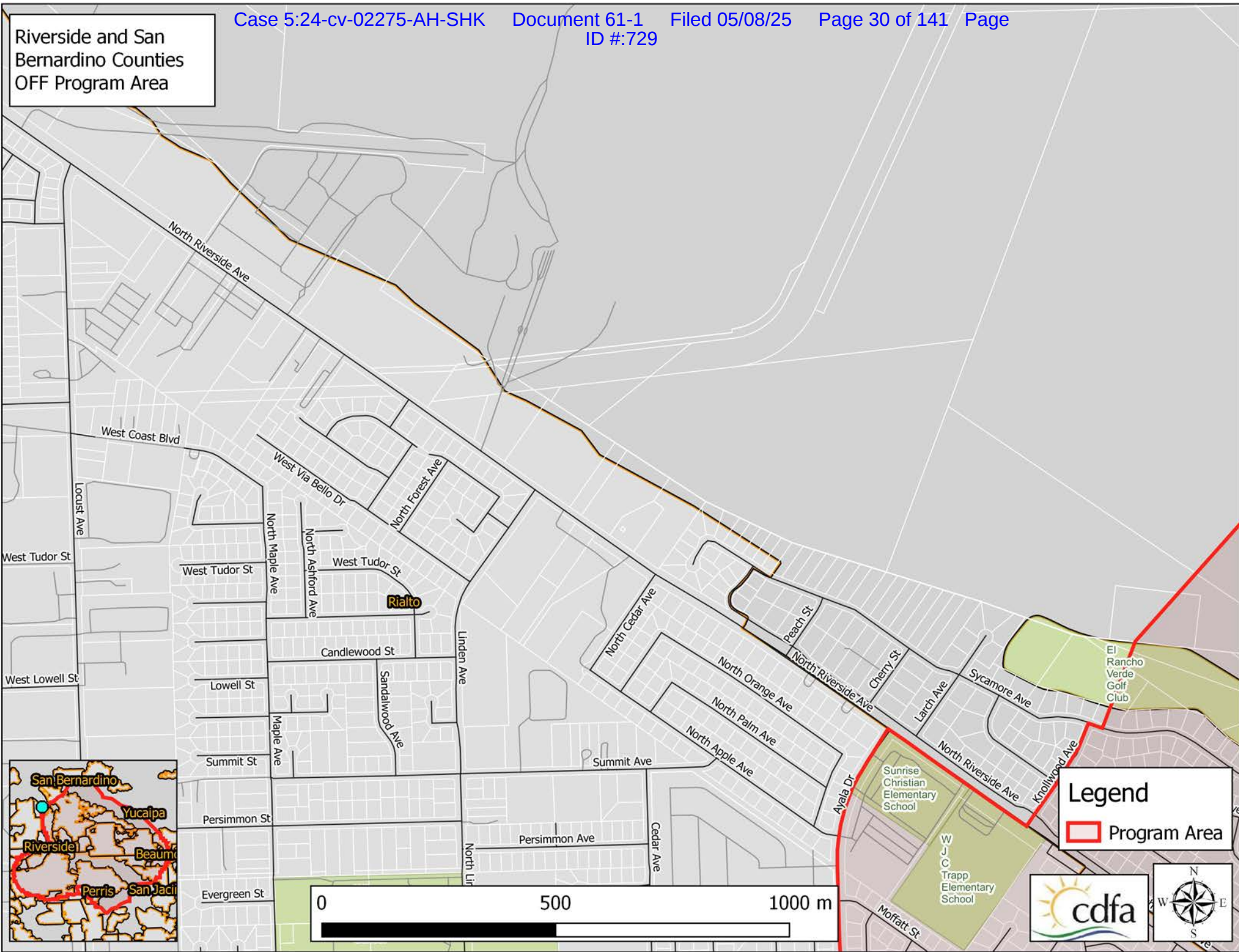
Riverside and San Bernardino Counties
OFF Program Area



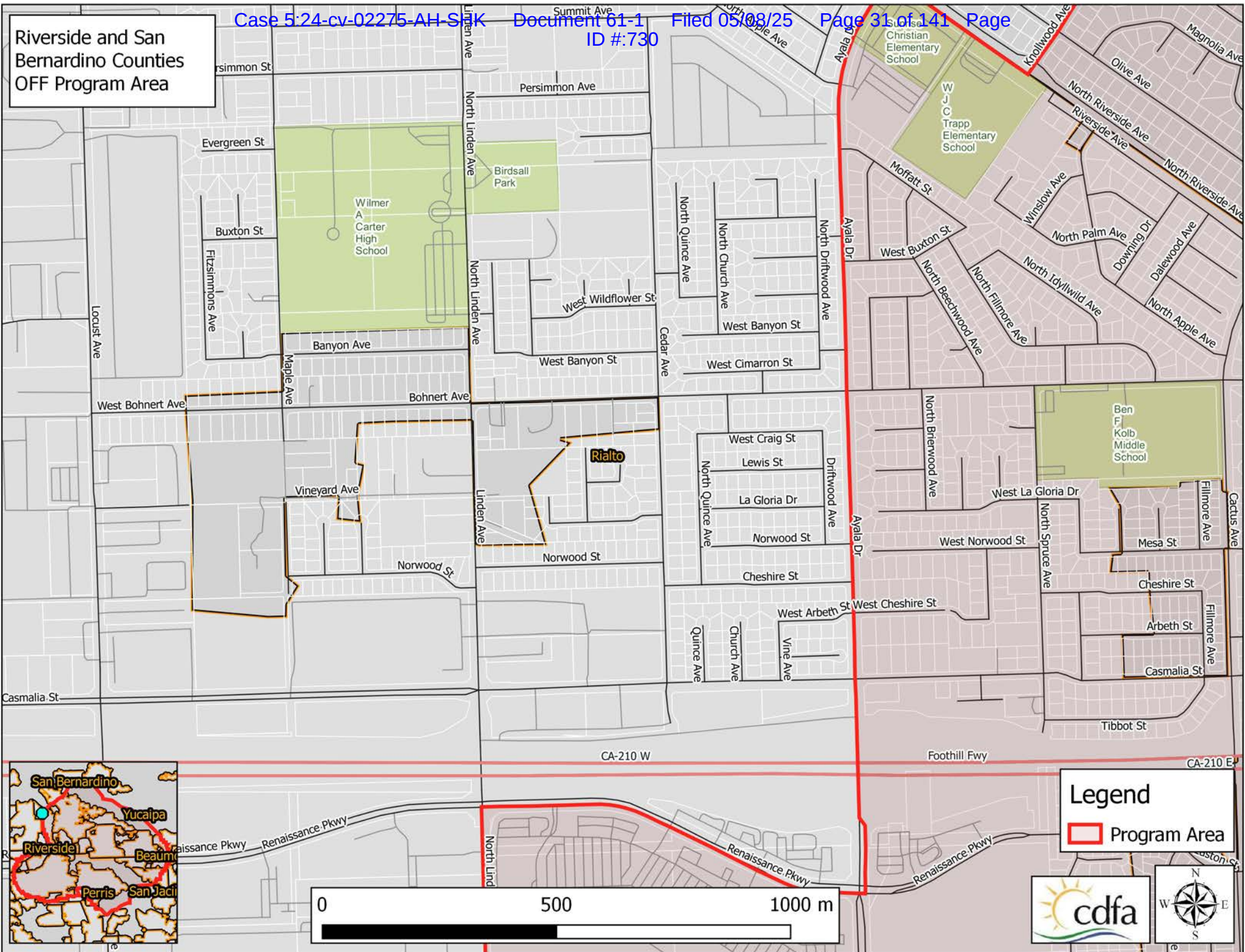
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

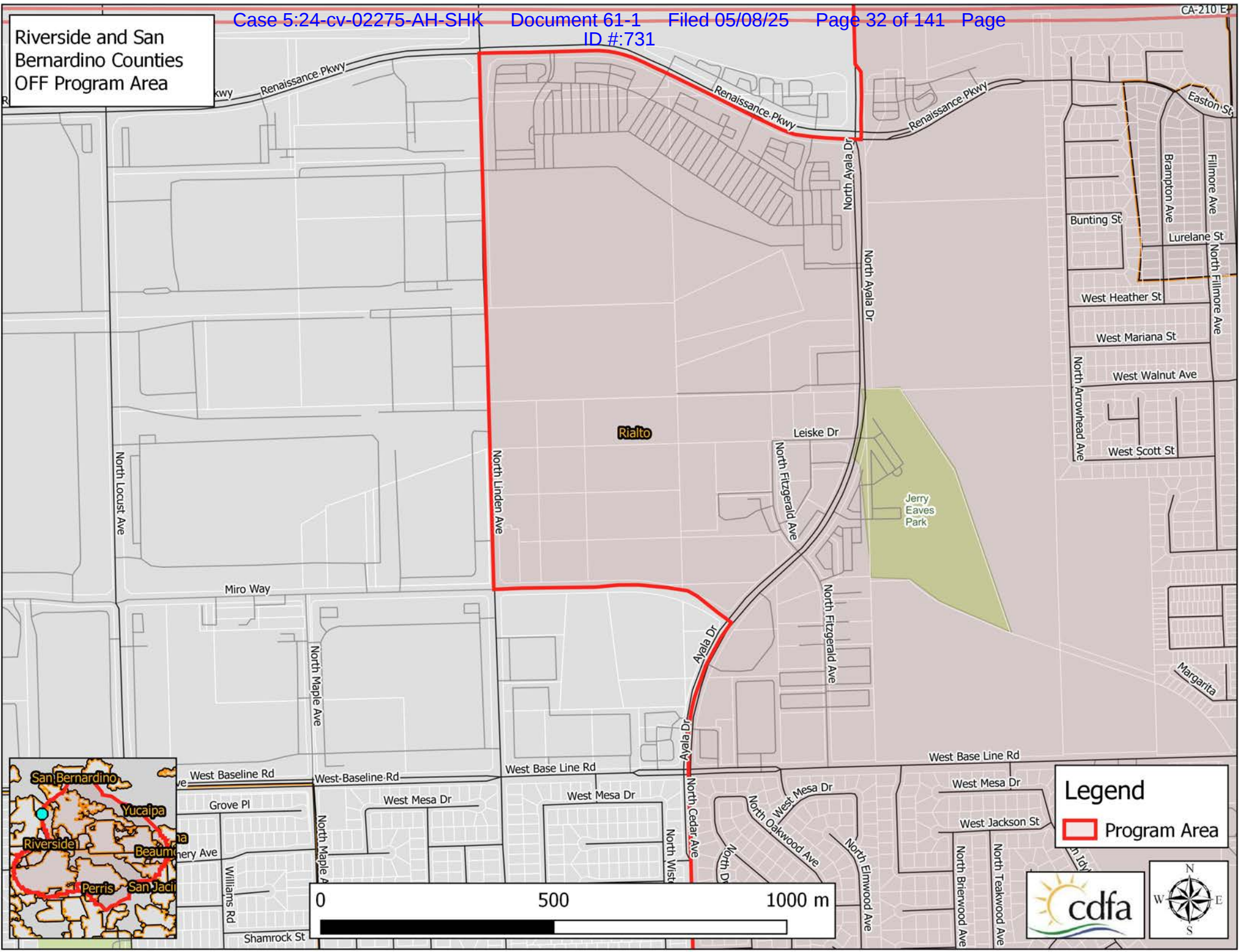


Legend
Program Area

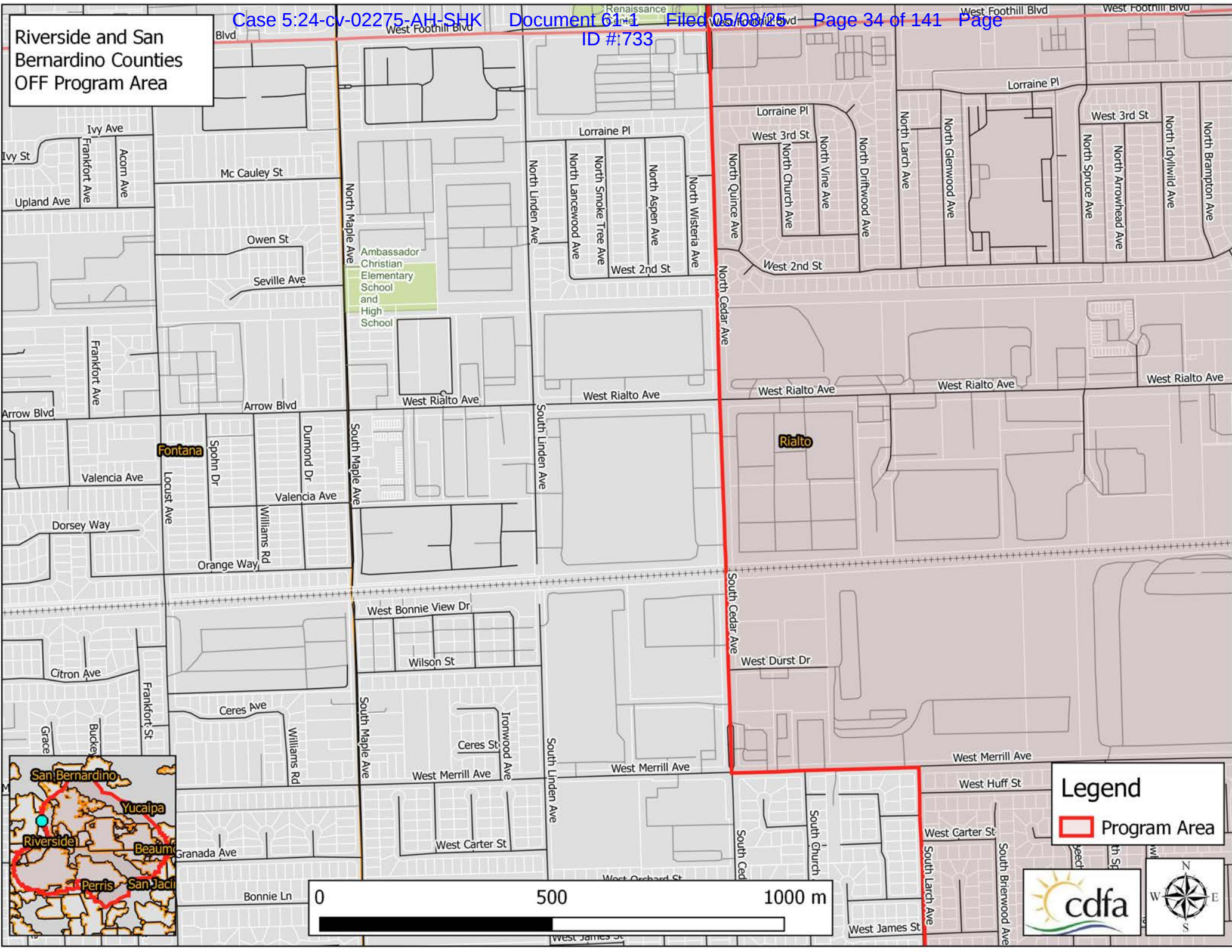


Riverside and San Bernardino Counties
OFF Program Area

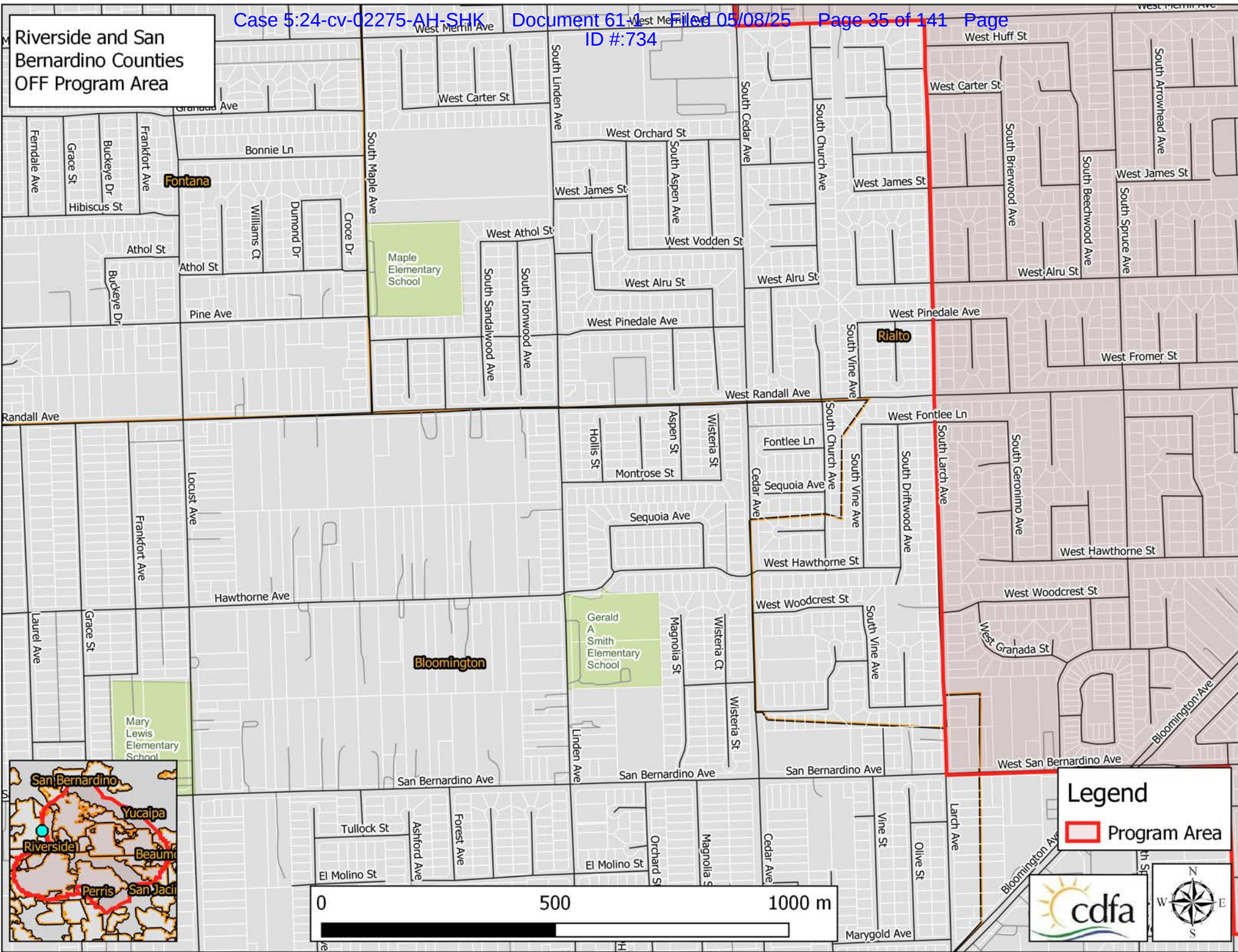
CA-210 EP



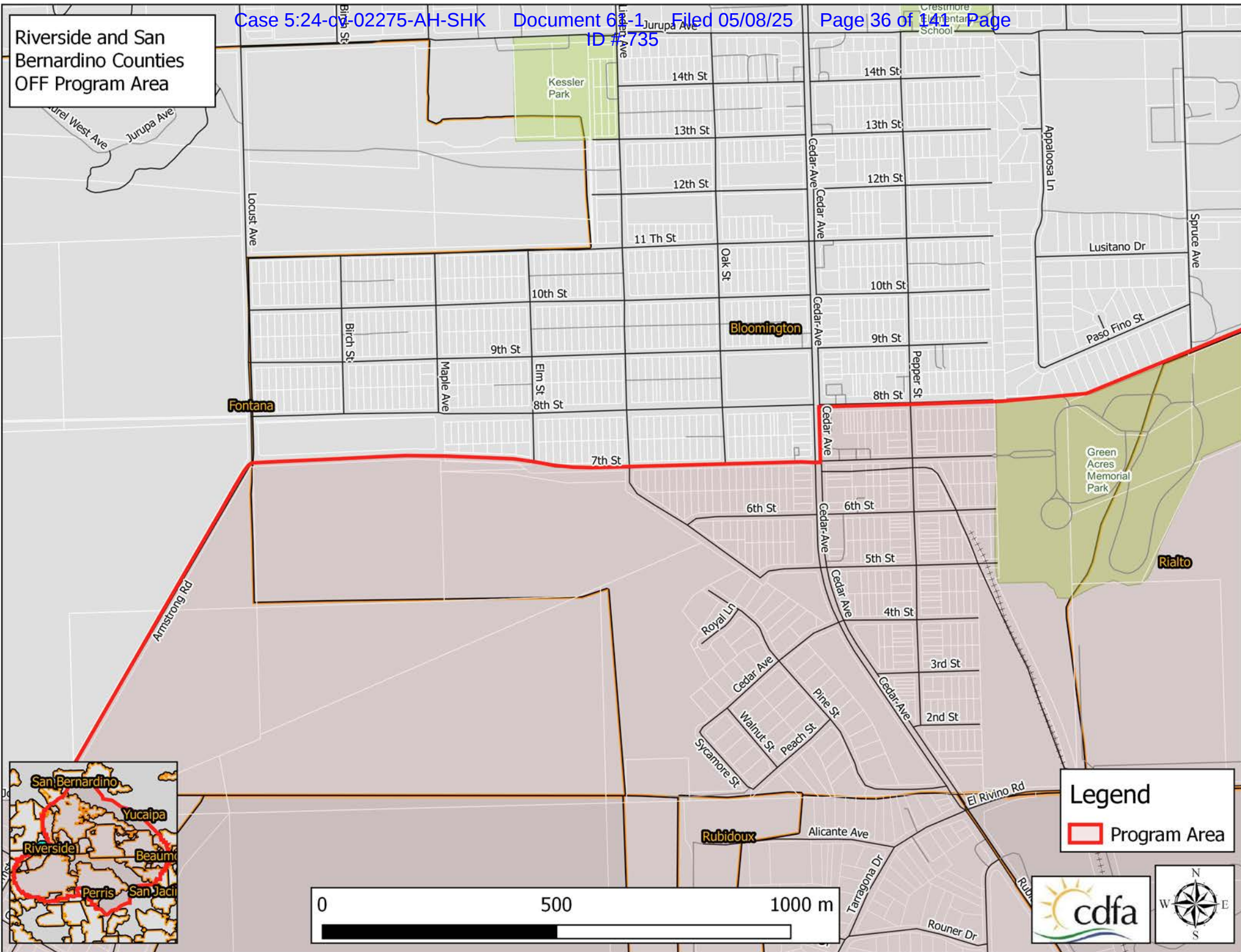
Riverside and San Bernardino Counties
OFF Program Area



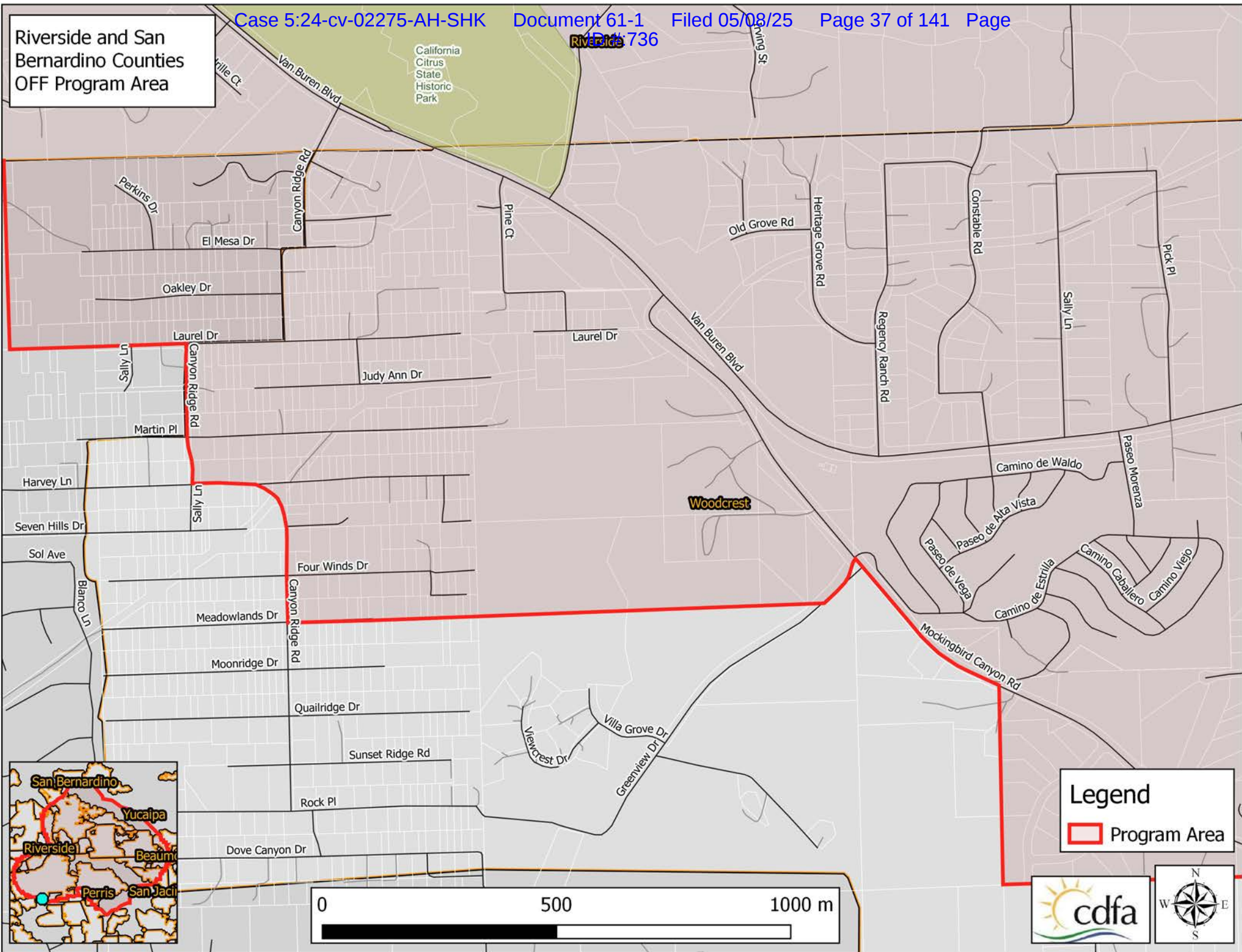
Riverside and San Bernardino Counties
OFF Program Area



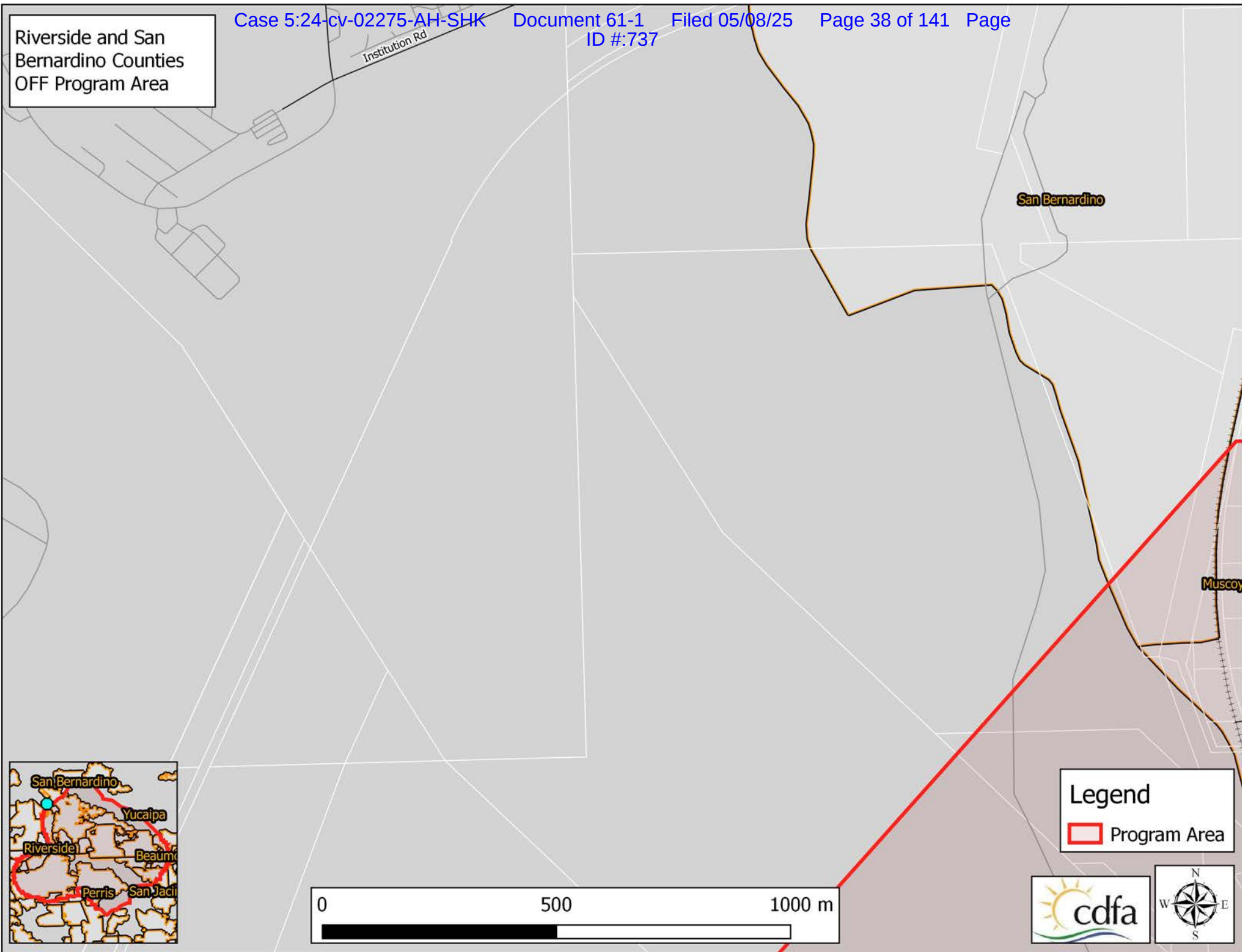
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

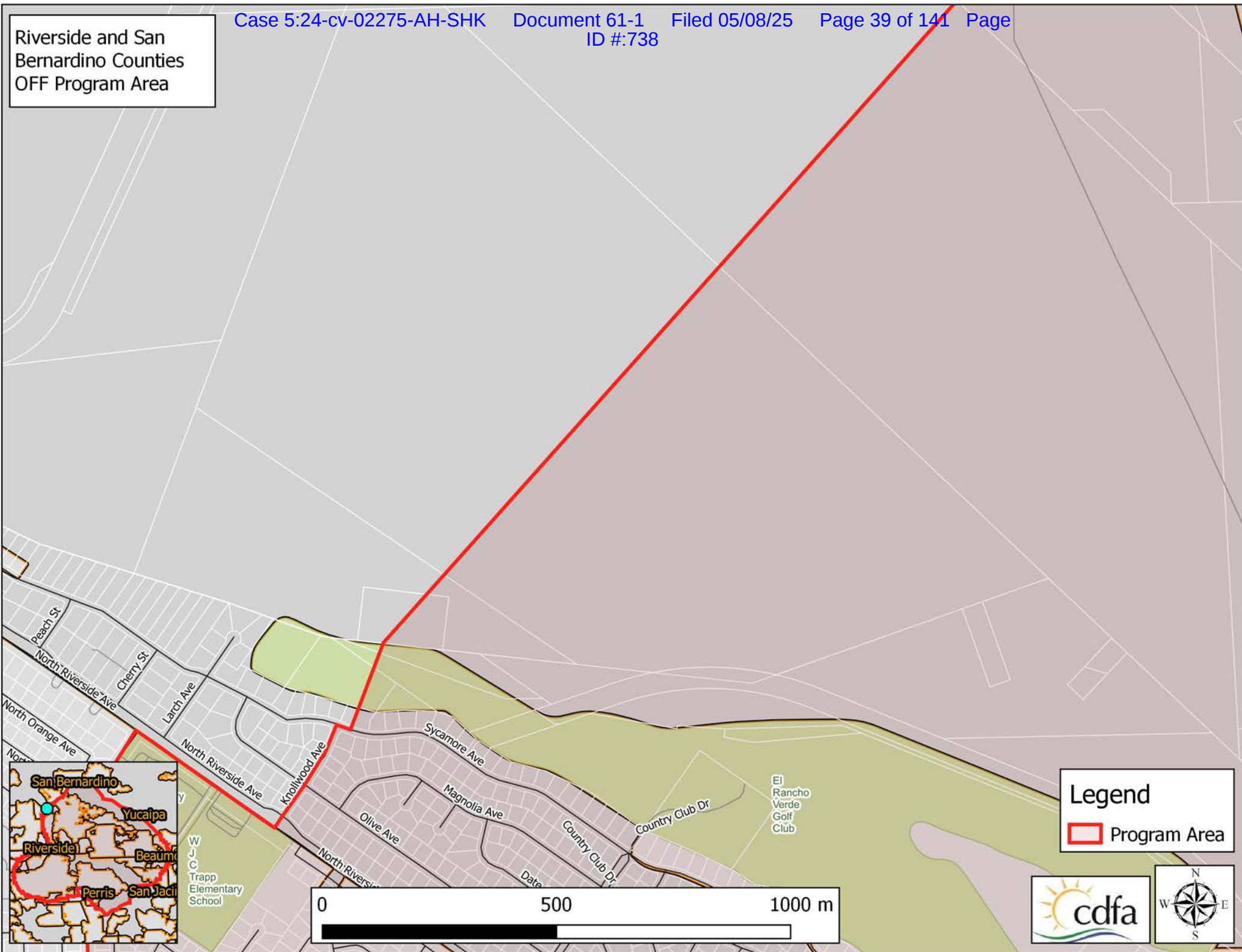


Legend

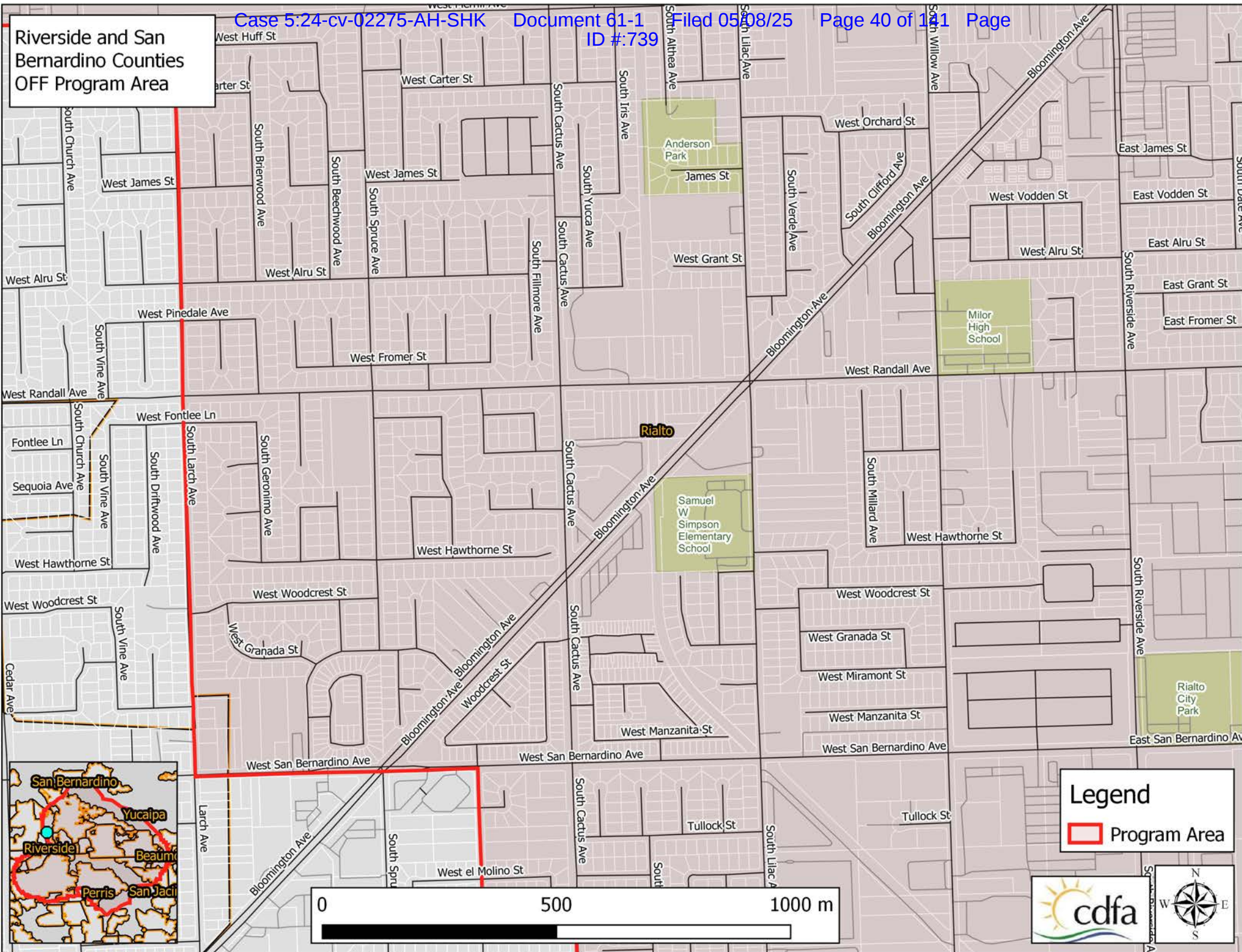
Program Area



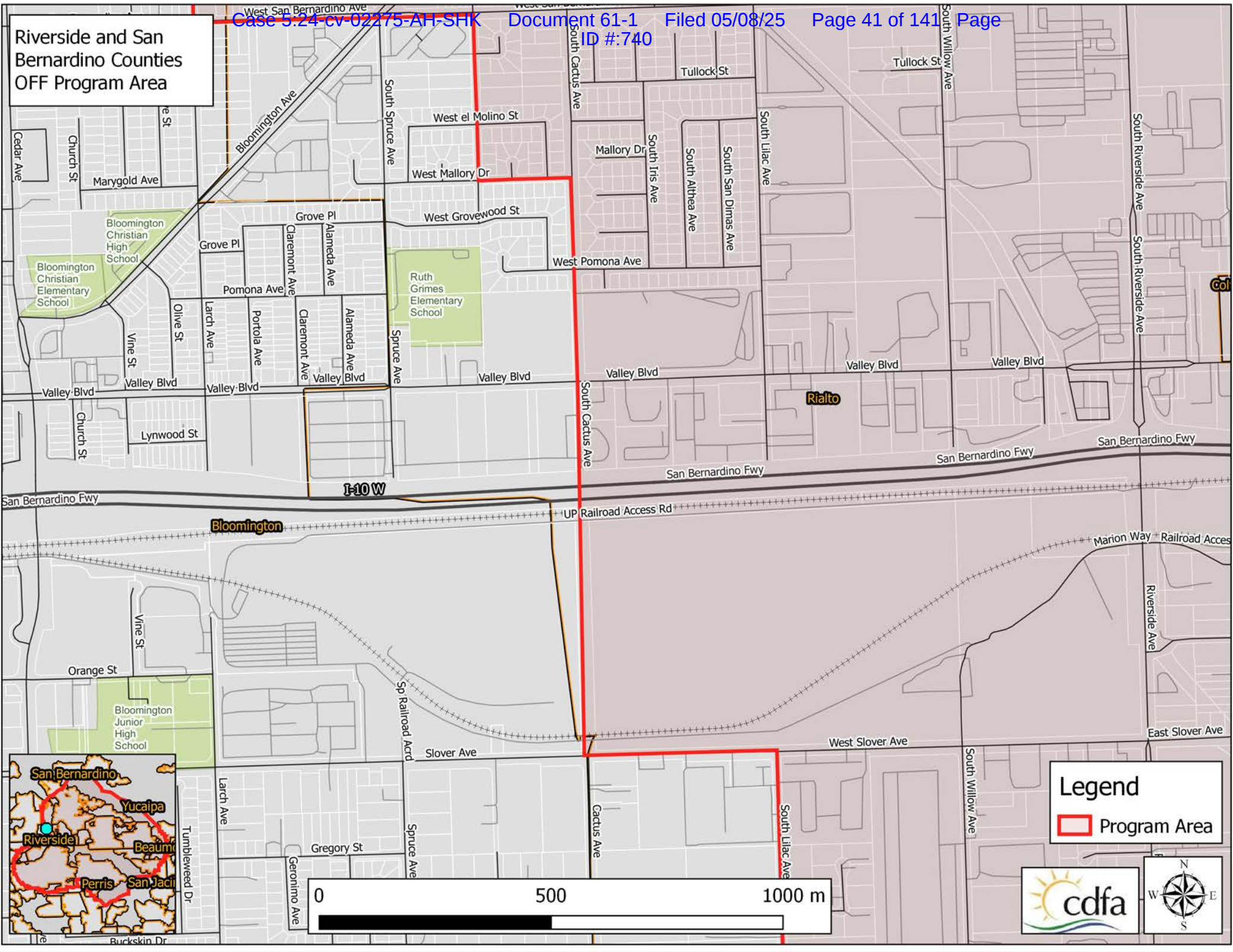
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

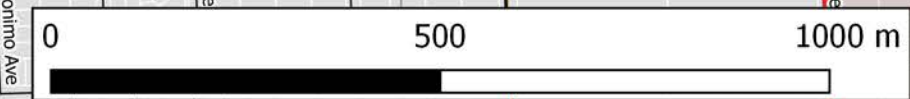


Riverside and San Bernardino Counties
OFF Program Area

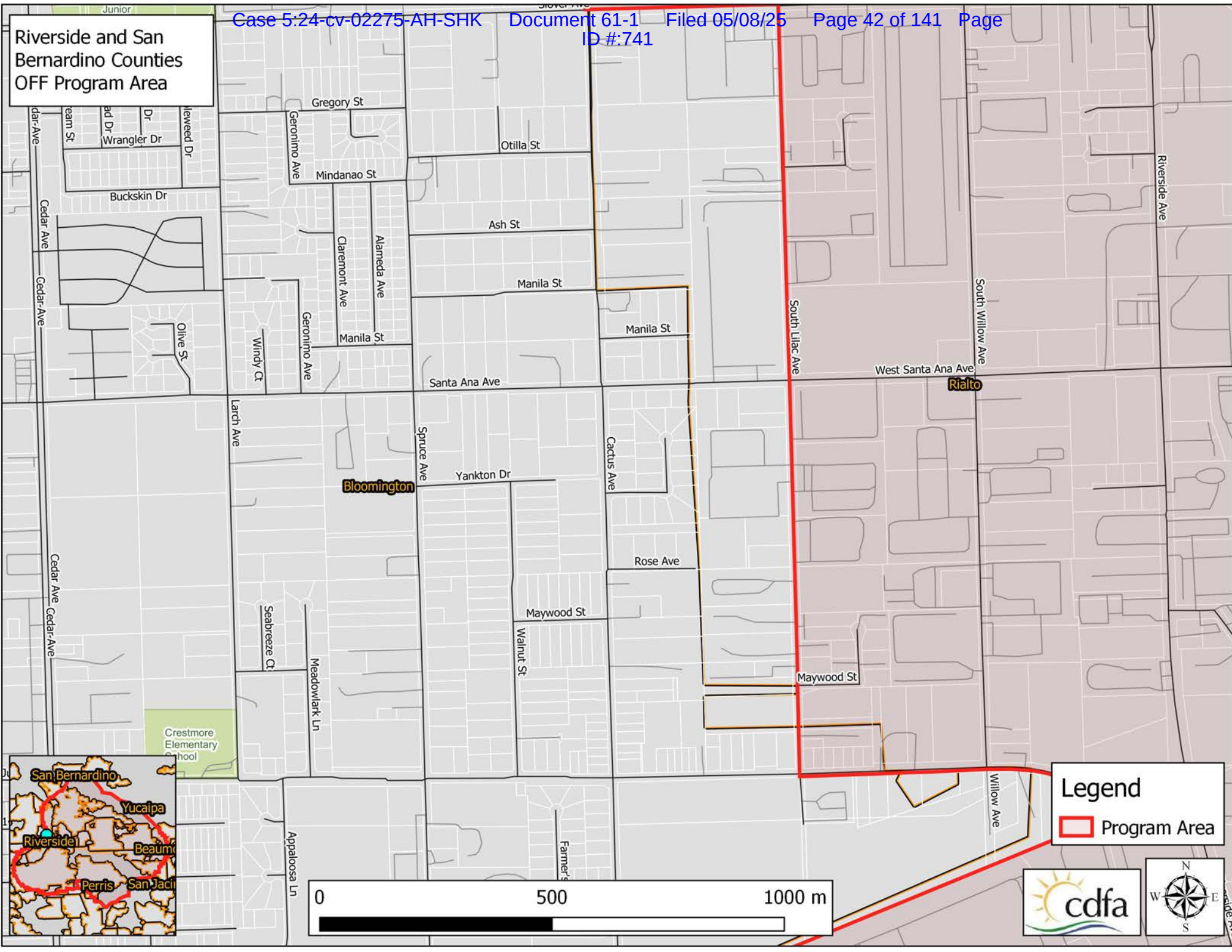


Legend

Program Area



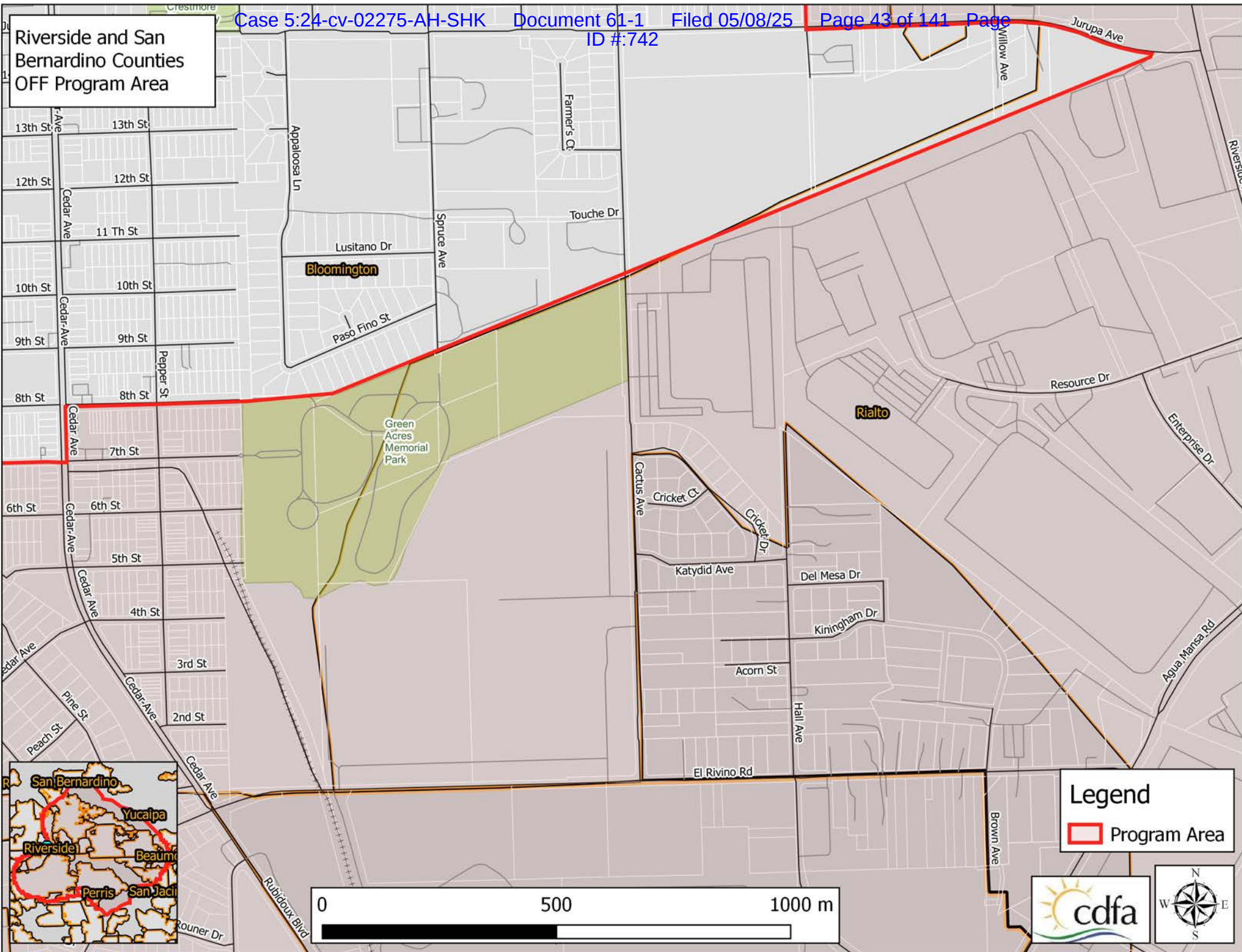
Riverside and San Bernardino Counties
OFF Program Area



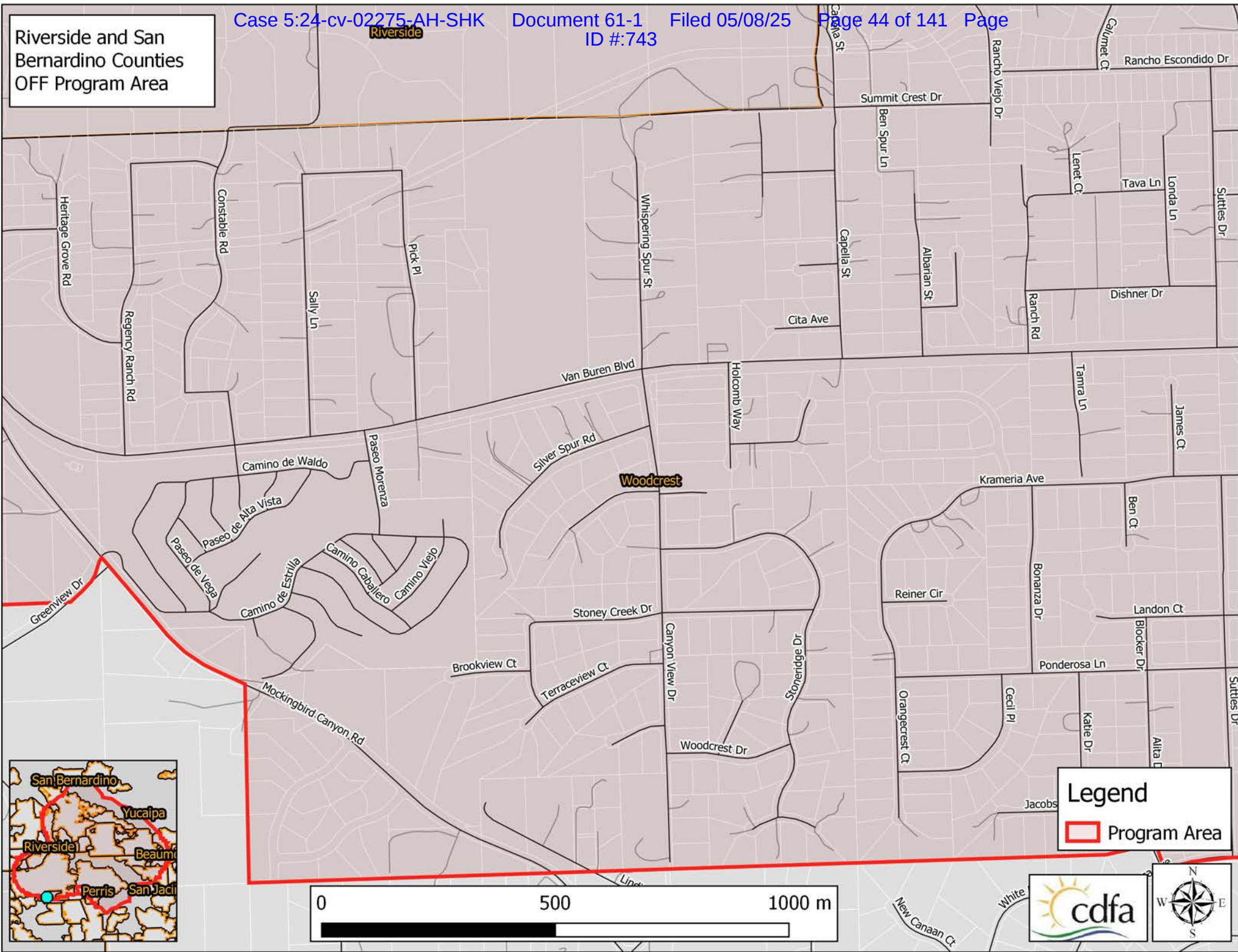
Legend
Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San
Bernardino Counties
OFF Program Area



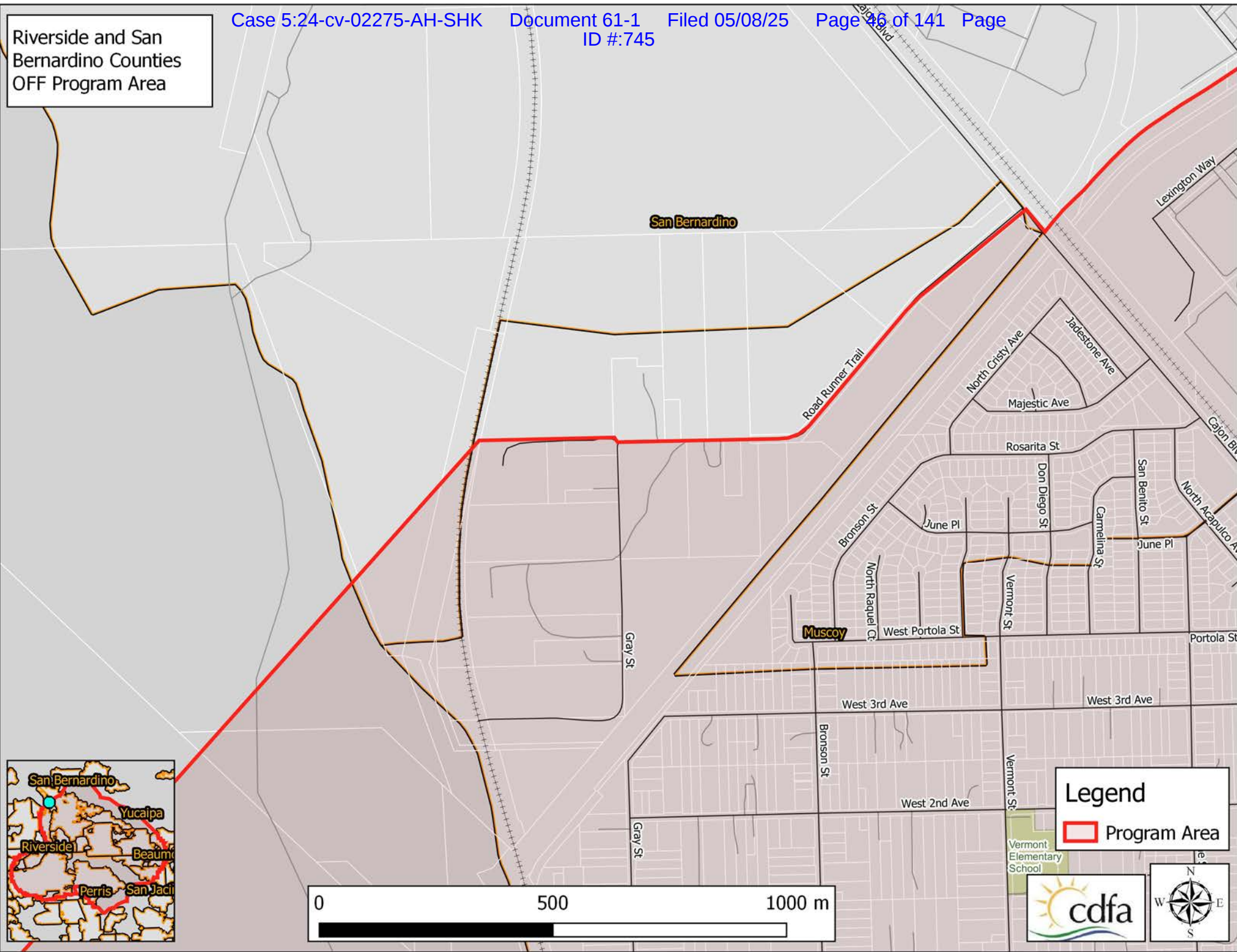


Legend

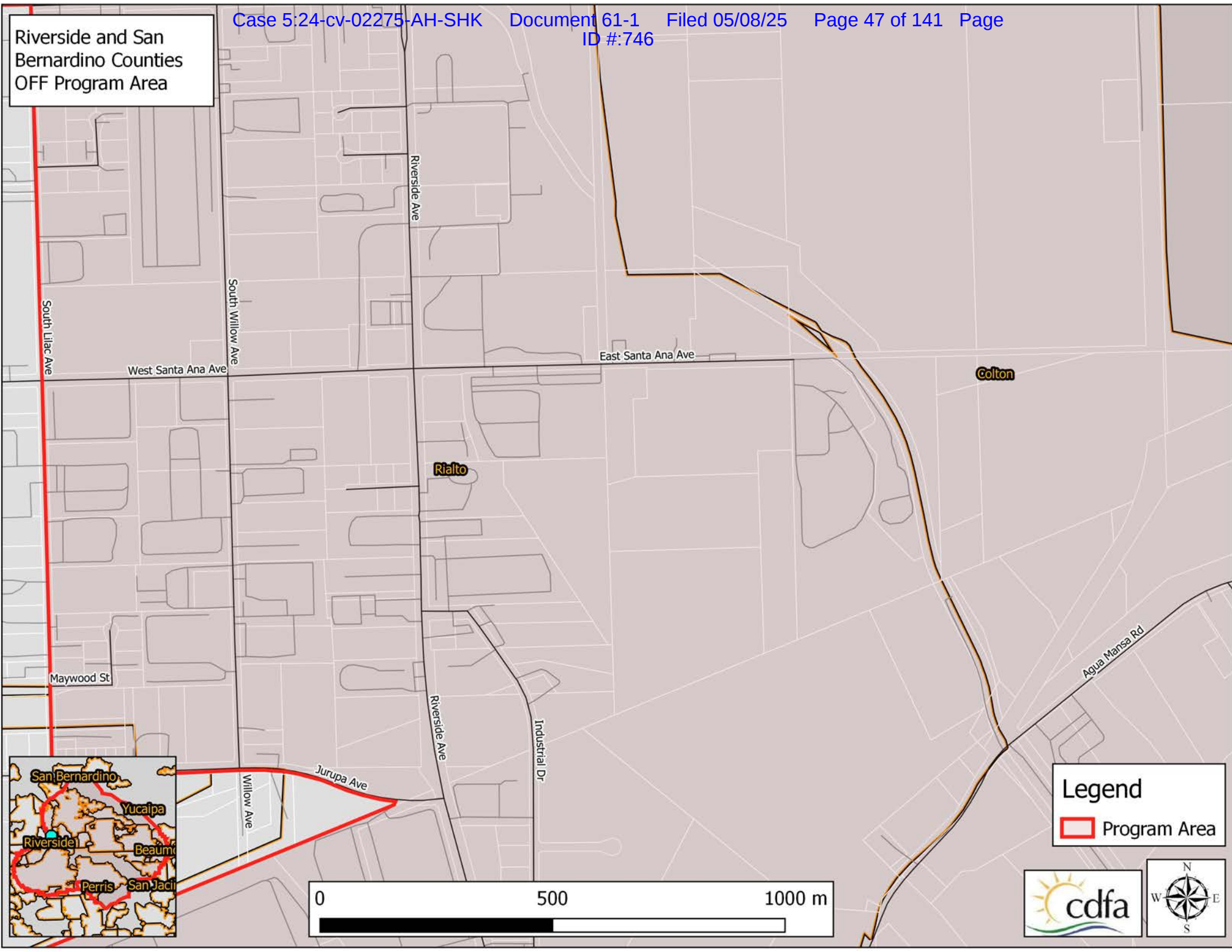
 Program Area



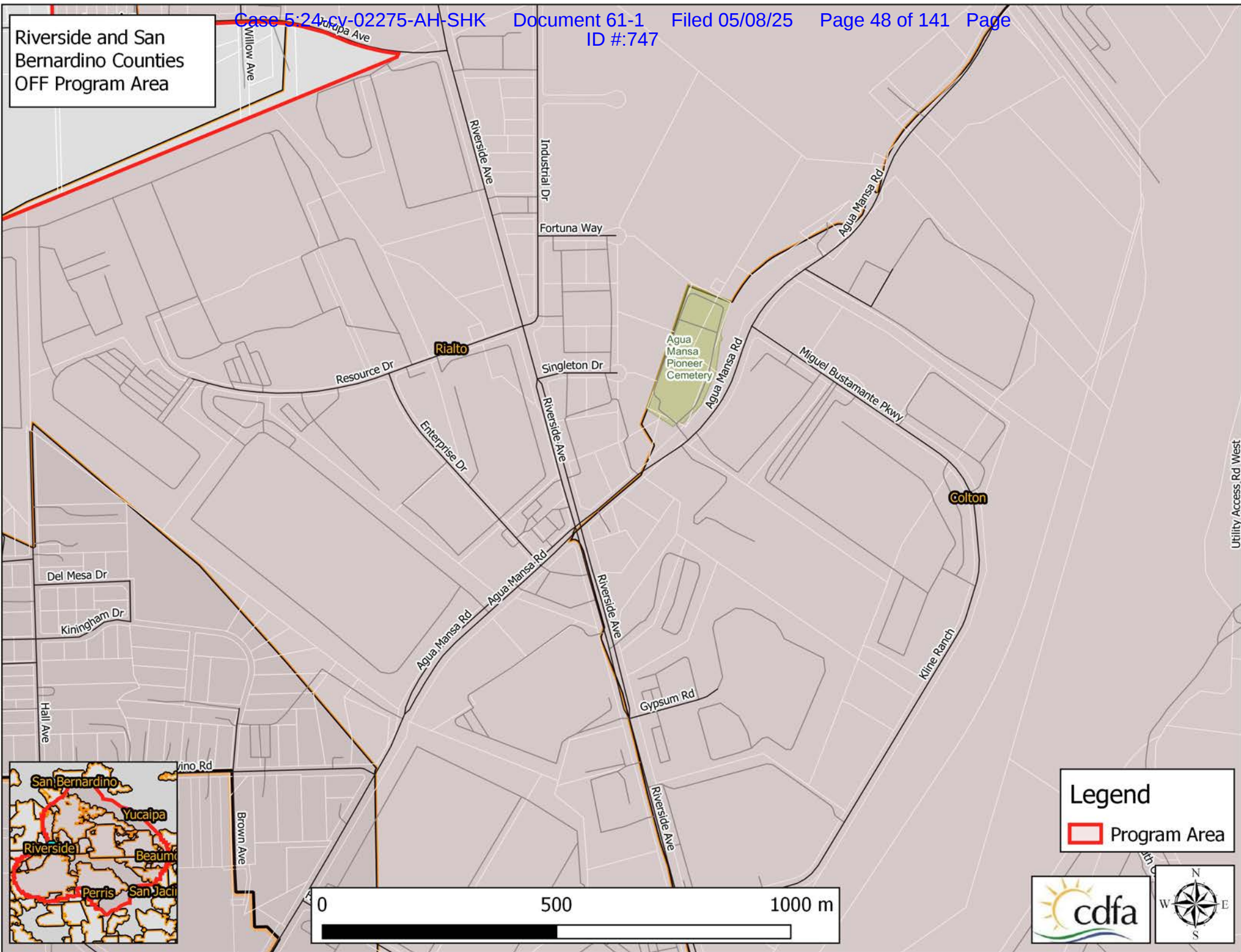
Riverside and San Bernardino Counties
OFF Program Area



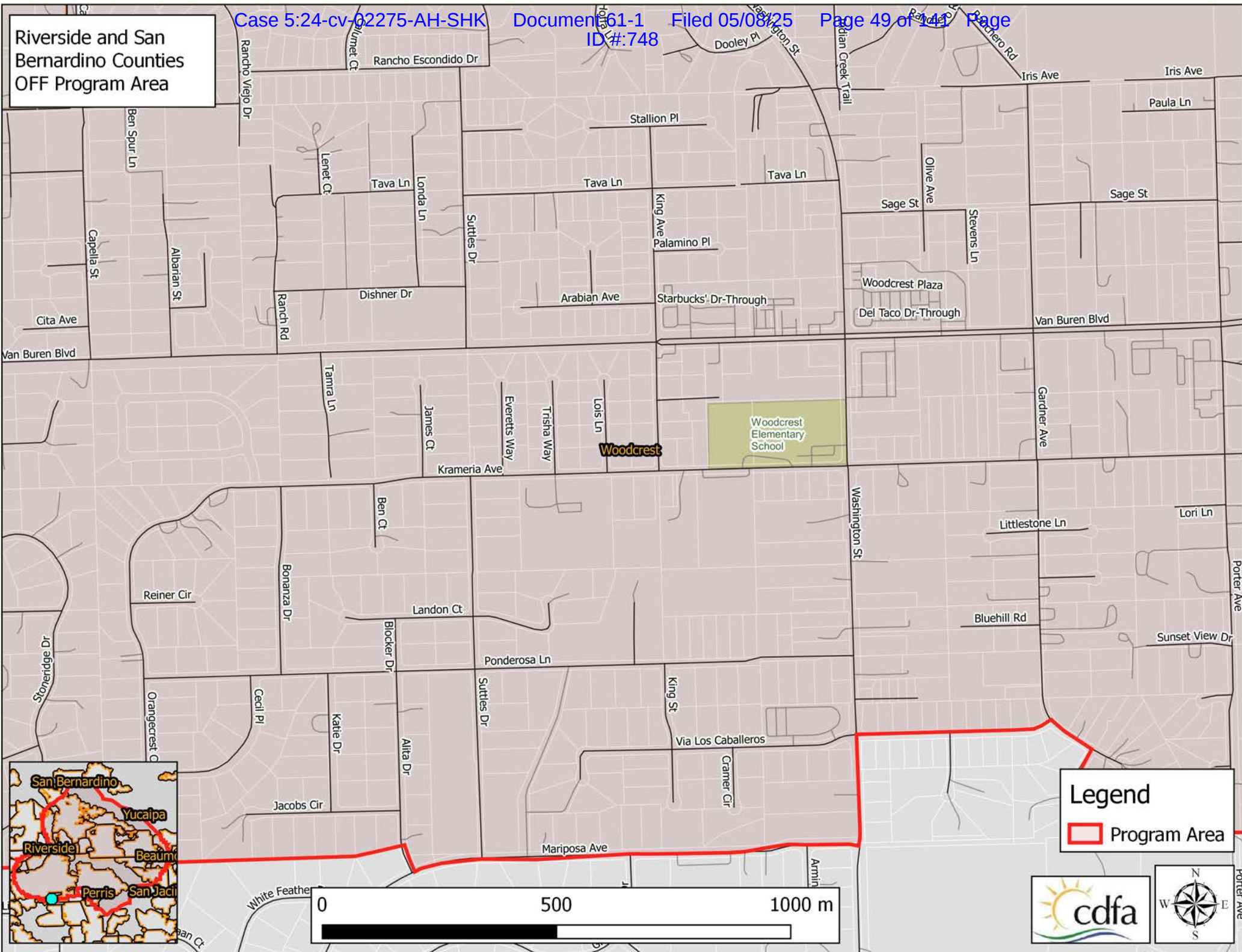
Riverside and San Bernardino Counties
OFF Program Area



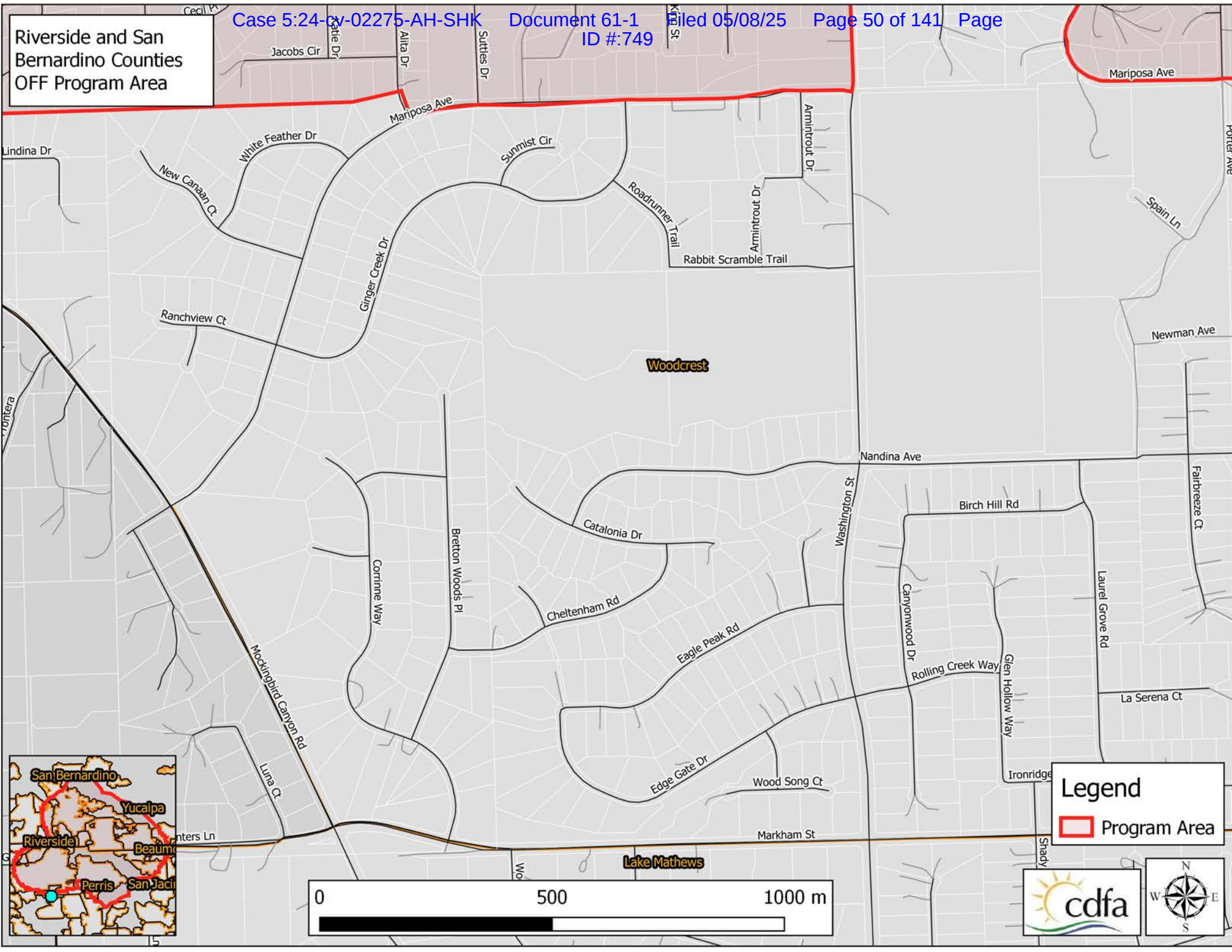
Riverside and San Bernardino Counties
OFF Program Area



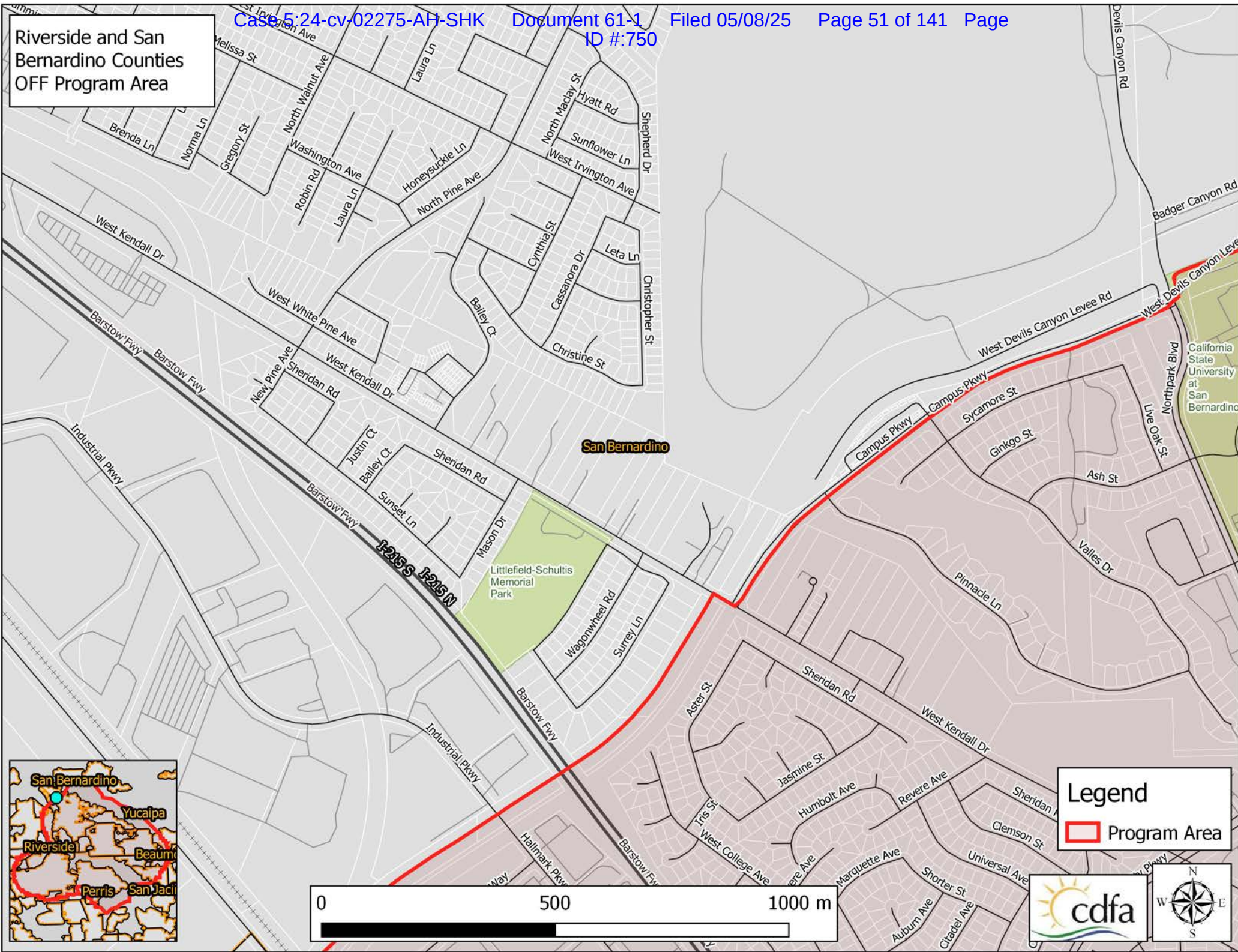
Riverside and San Bernardino Counties
OFF Program Area



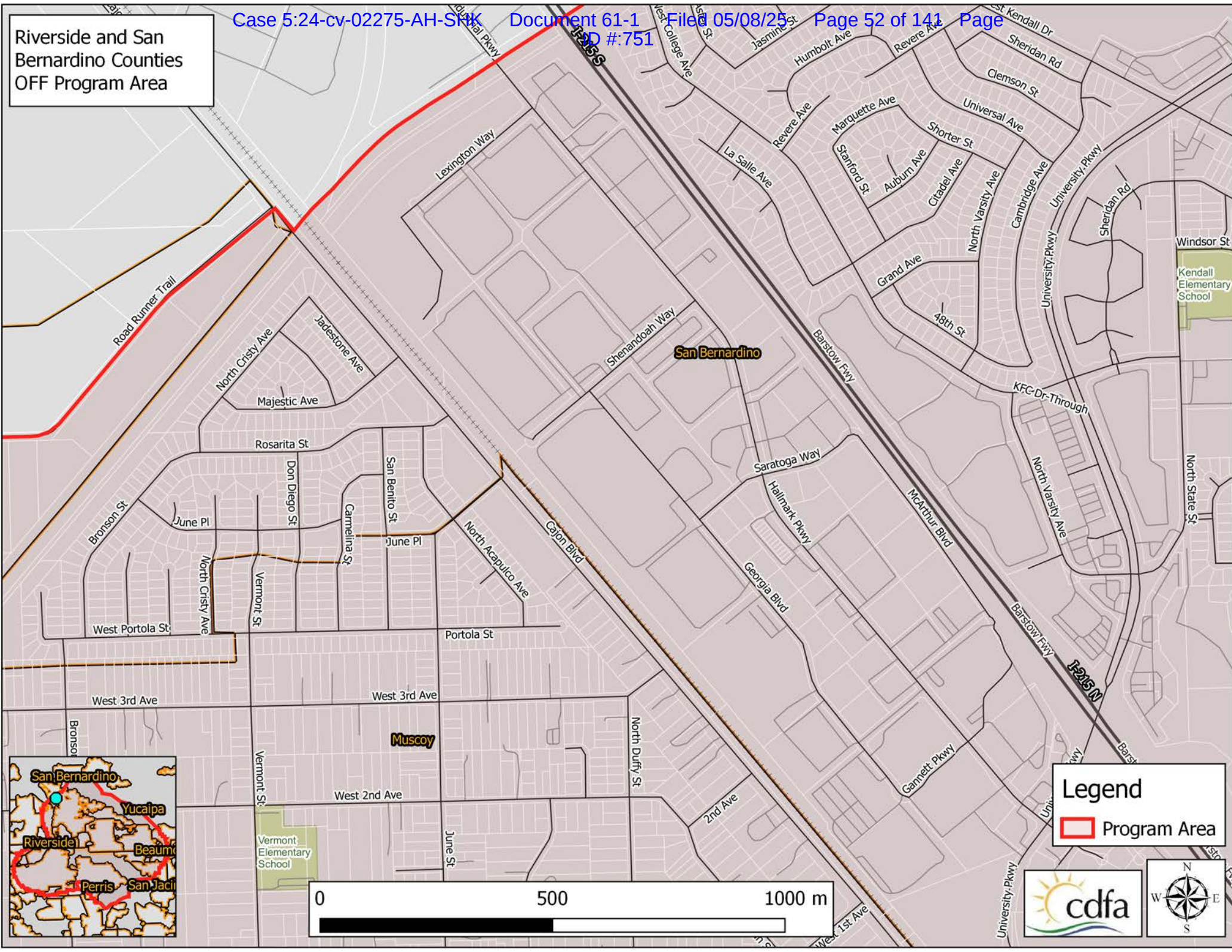
Riverside and San Bernardino Counties
OFF Program Area



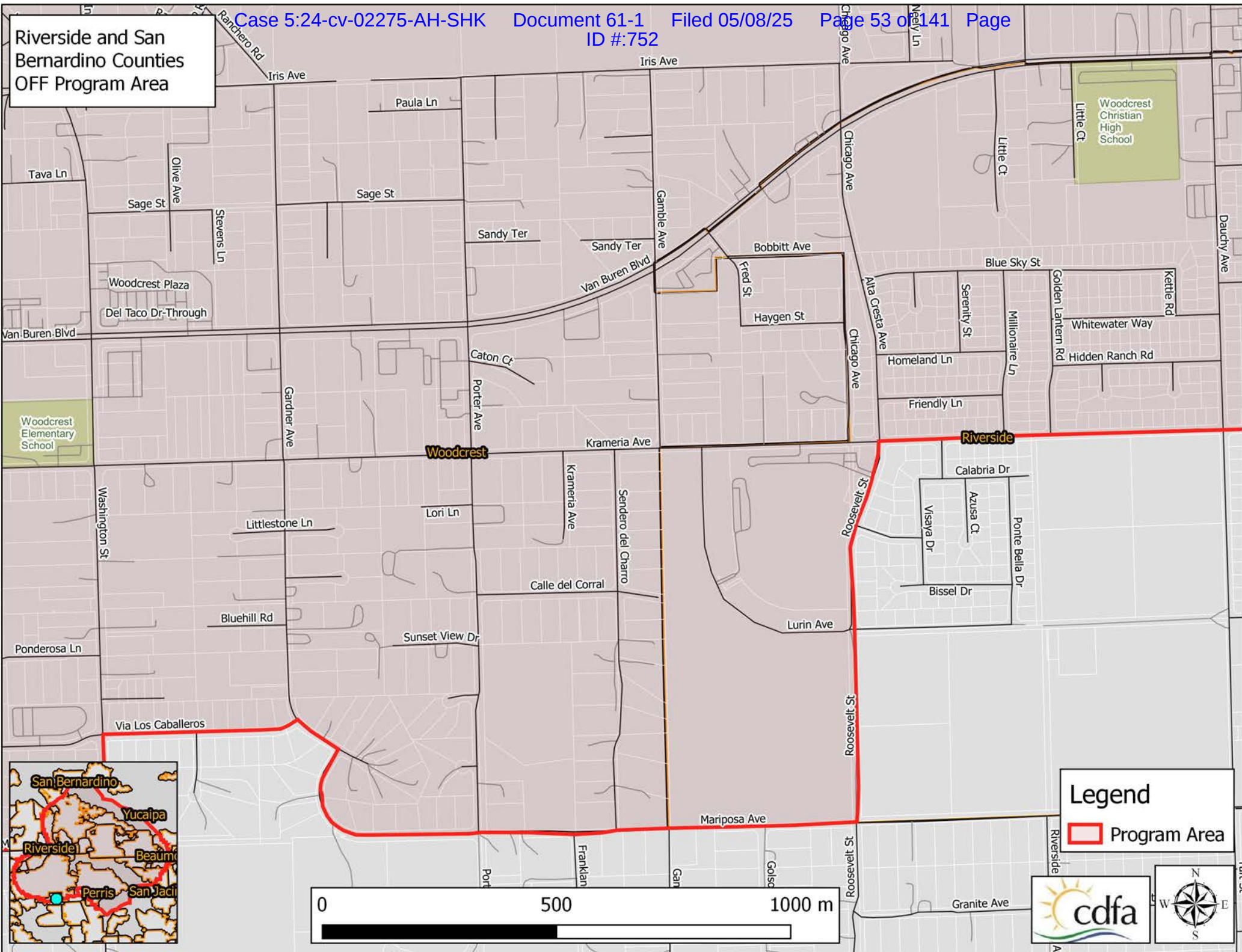
Riverside and San Bernardino Counties
OFF Program Area



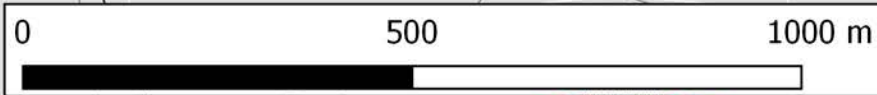
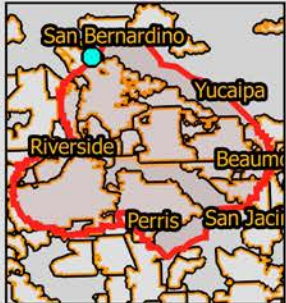
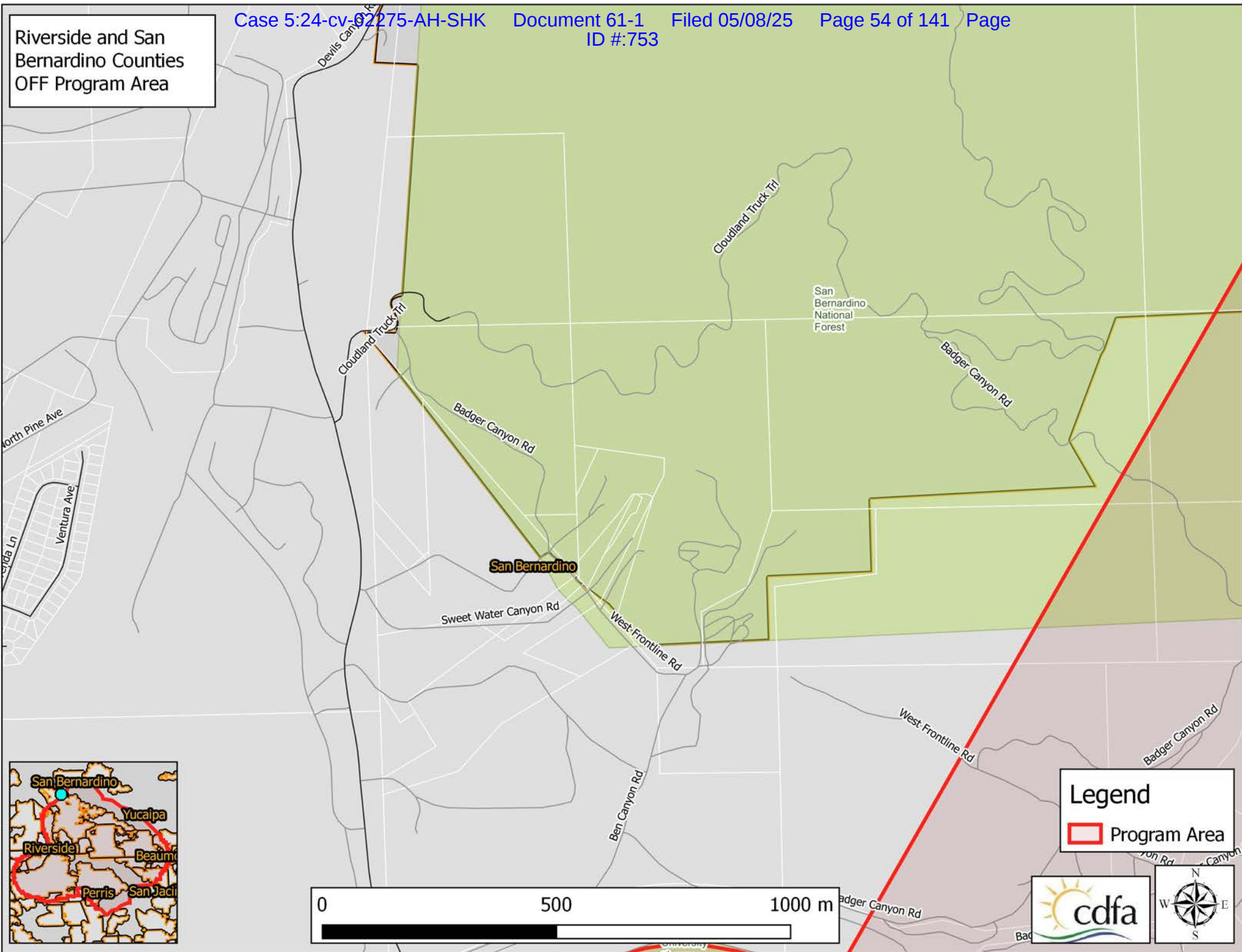
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

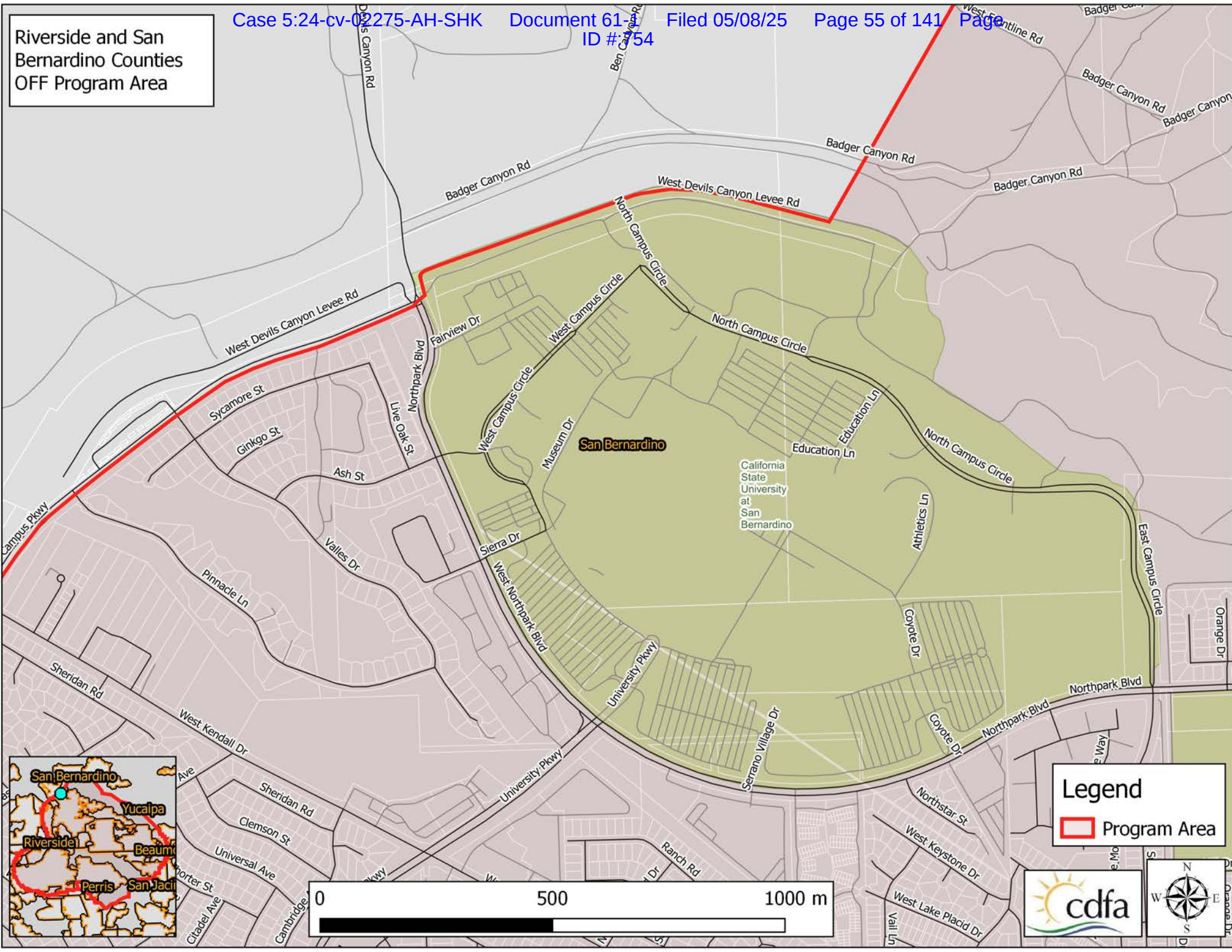


Legend

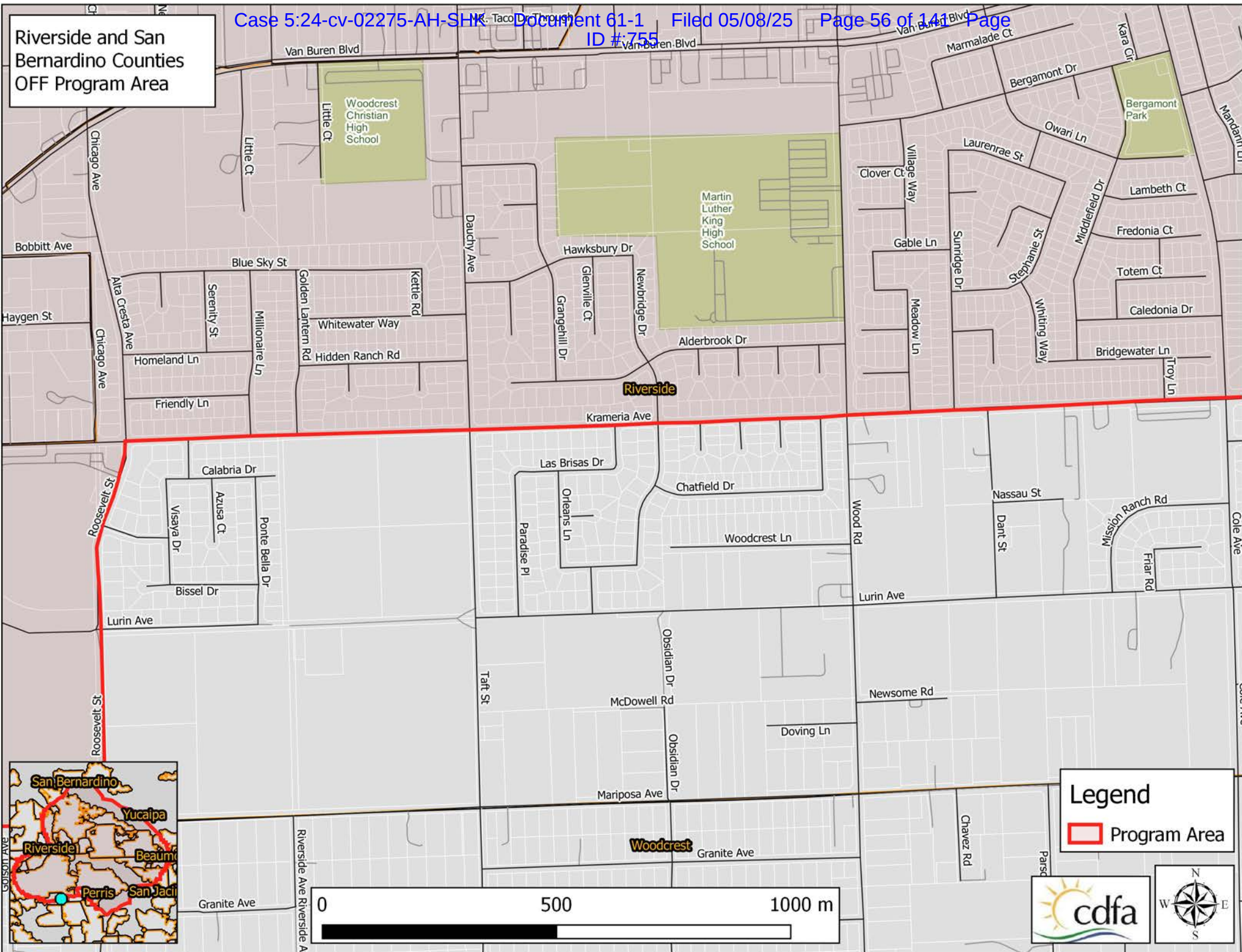
 Program Area



Riverside and San Bernardino Counties
OFF Program Area

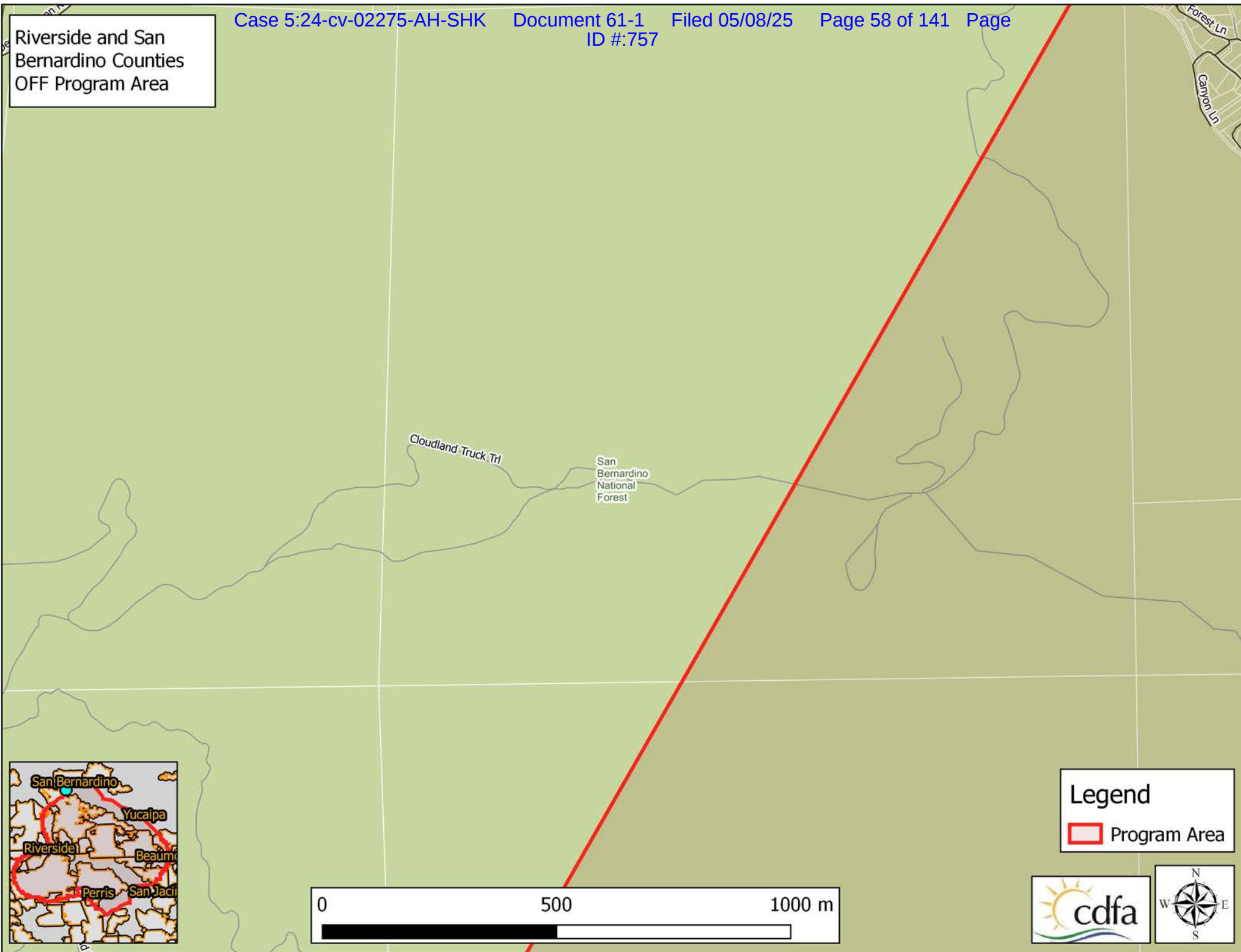


Riverside and San Bernardino Counties
OFF Program Area

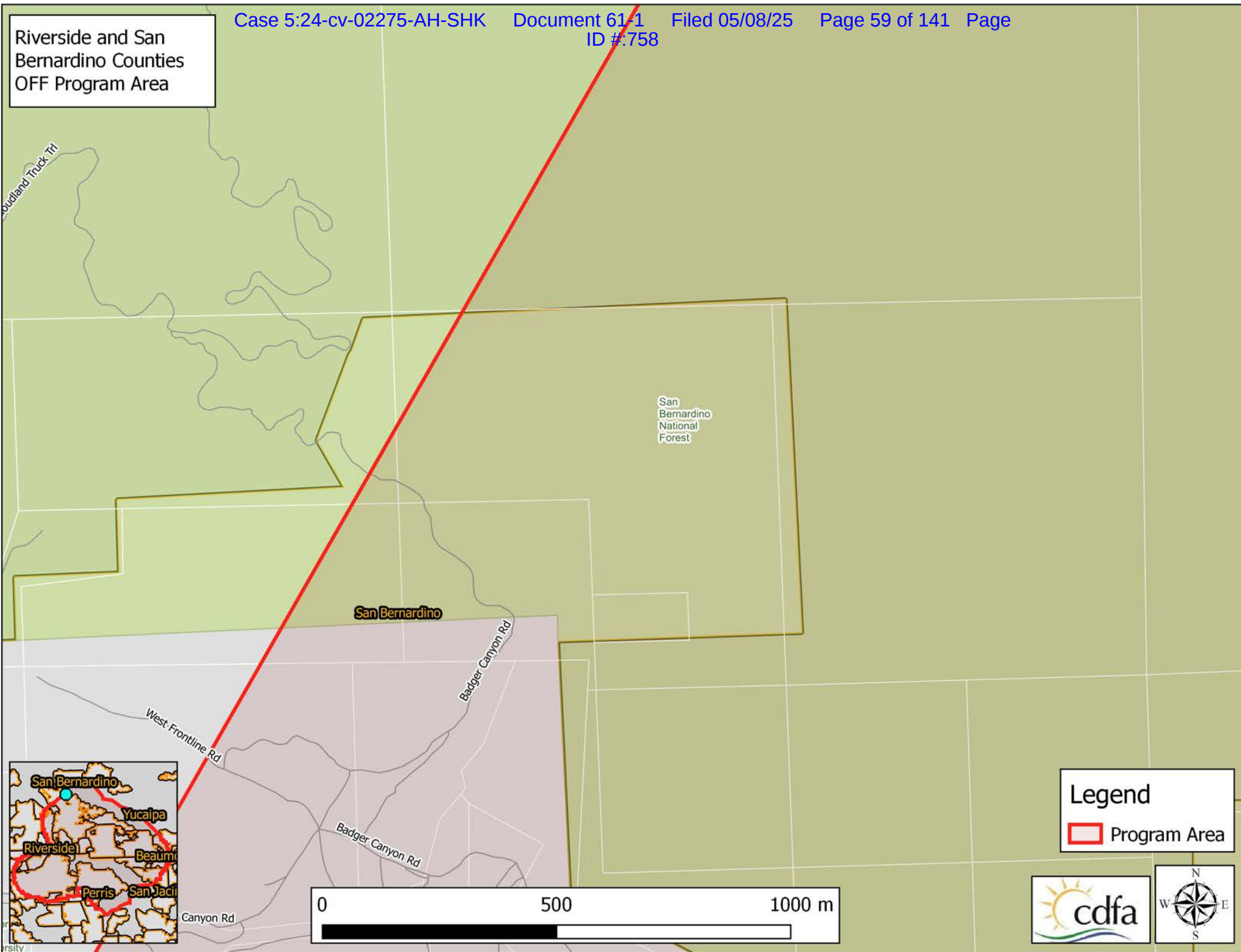




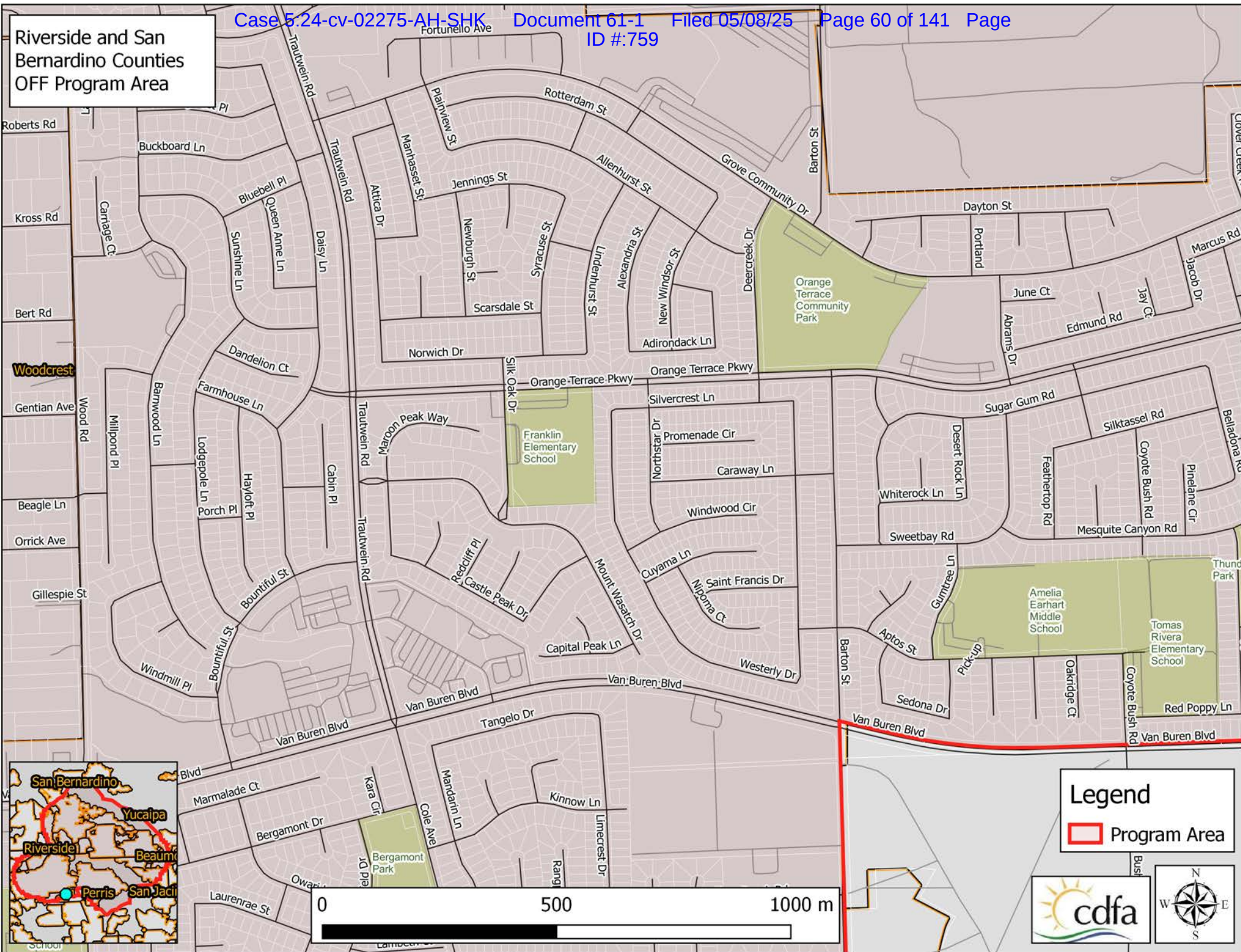
Riverside and San Bernardino Counties
OFF Program Area



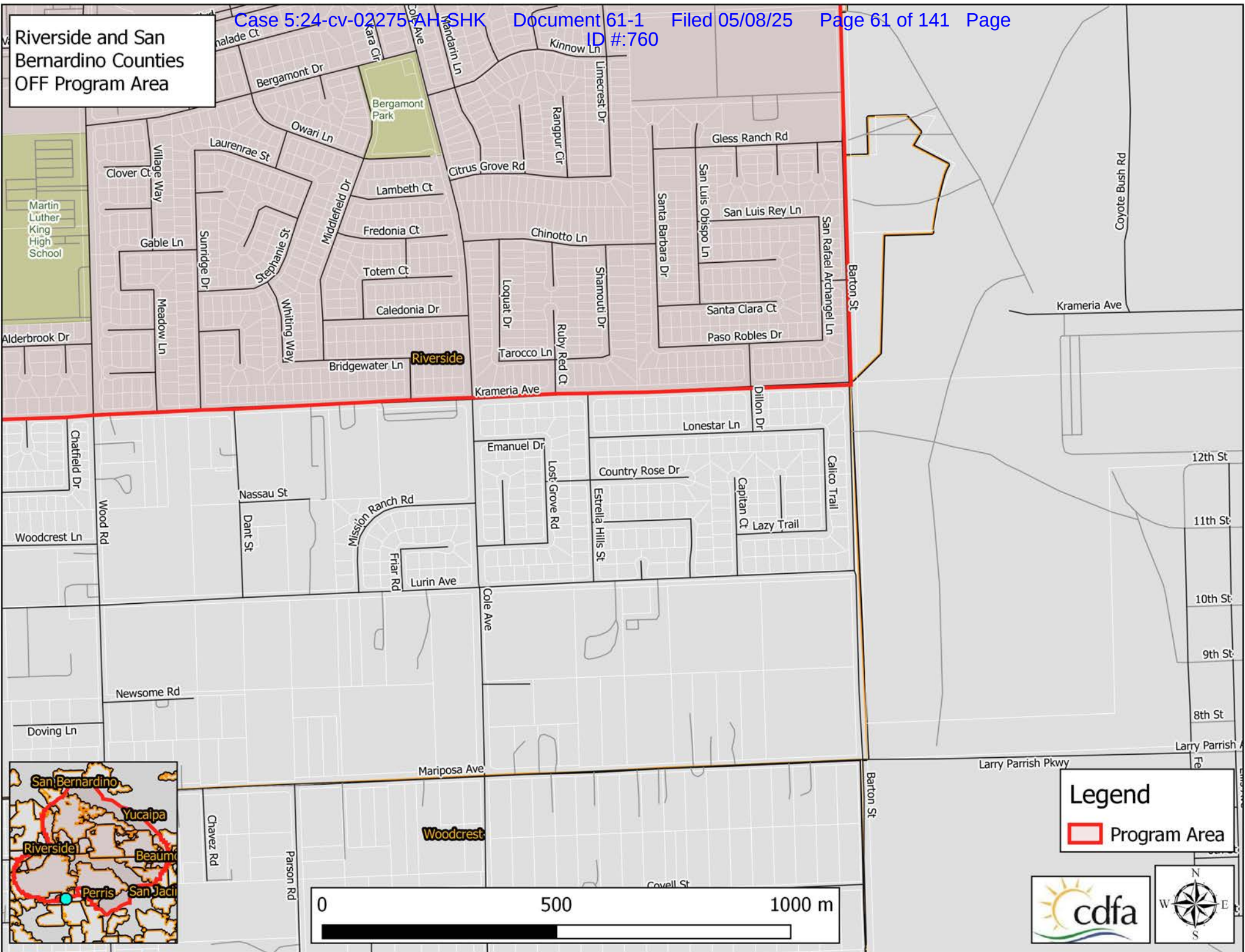
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

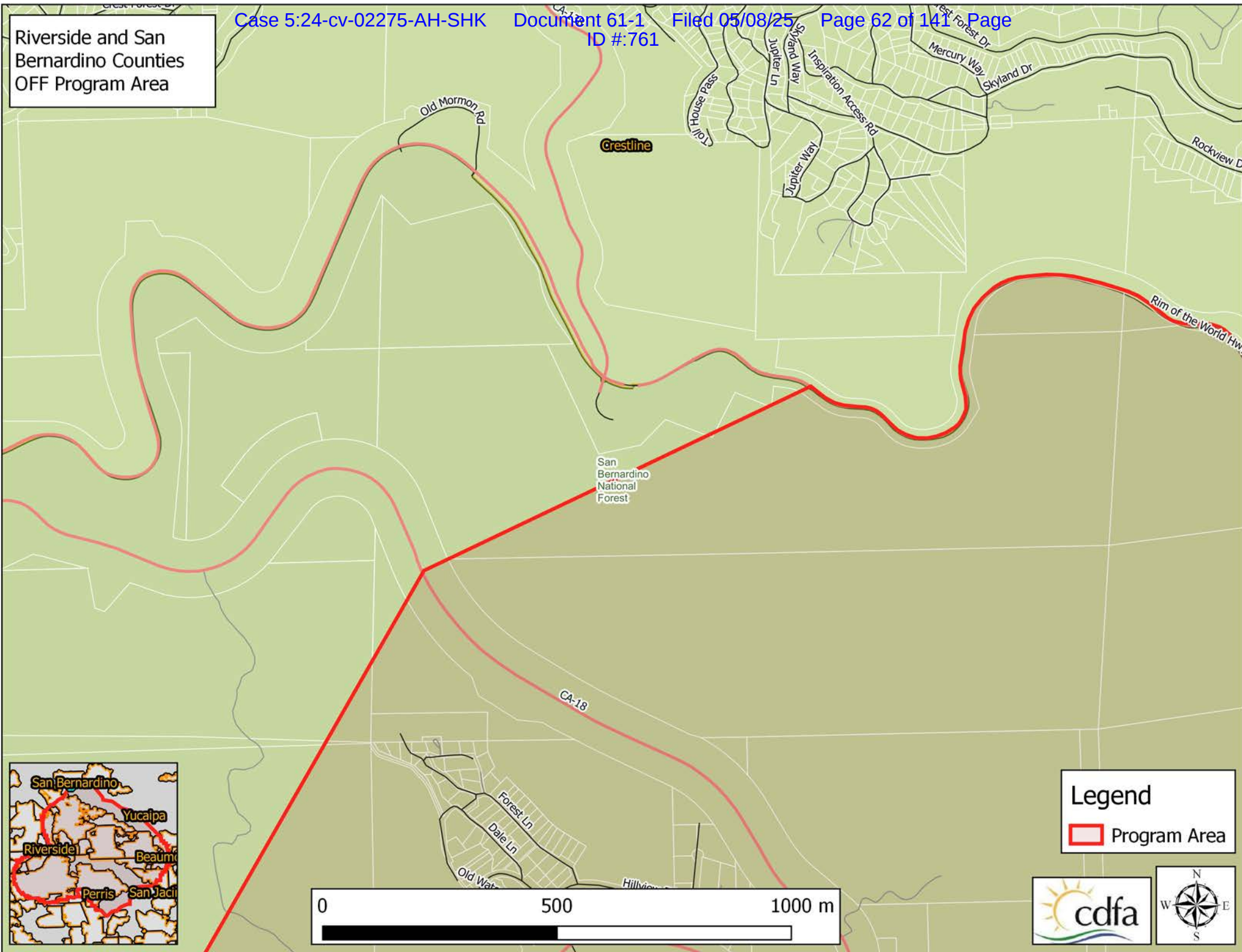


Legend

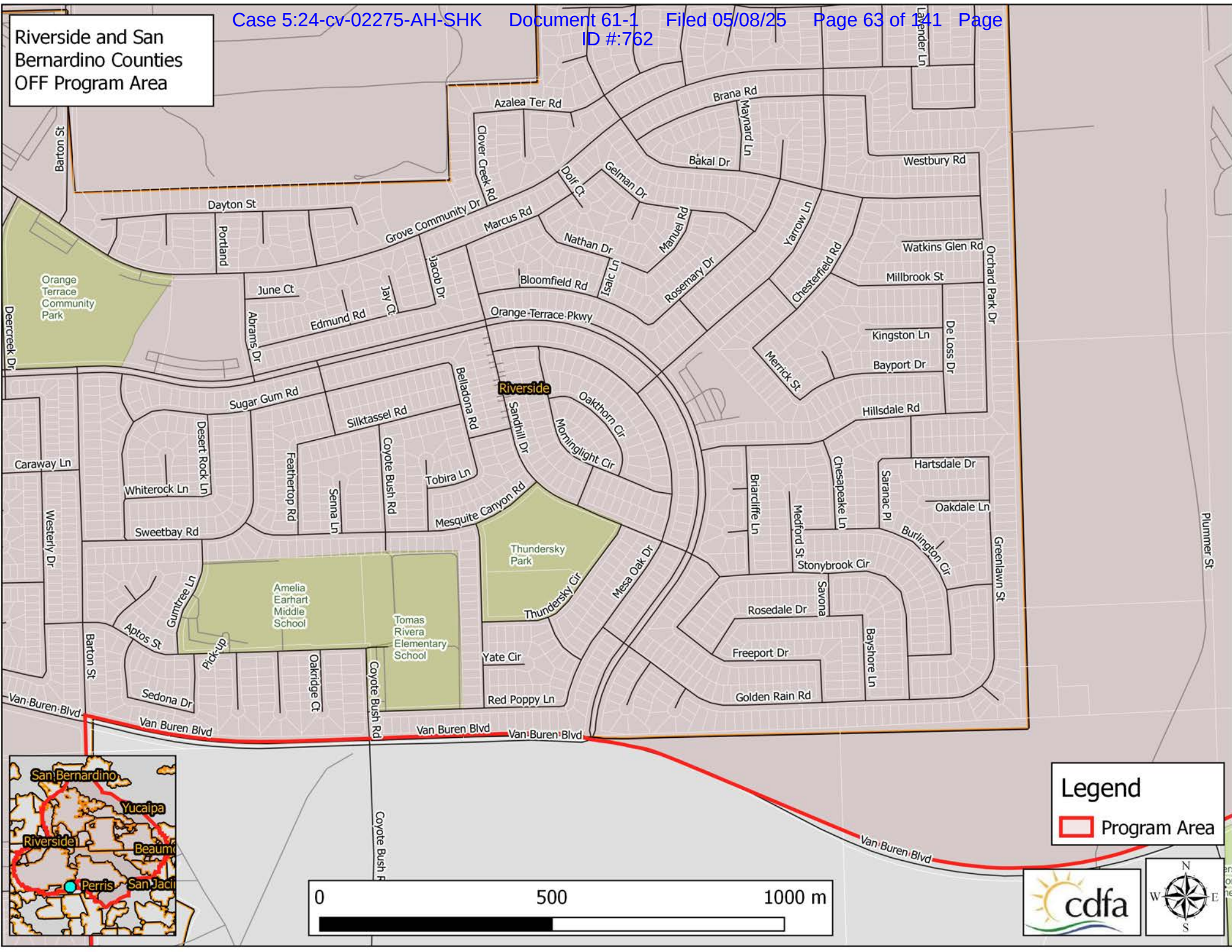
 Program Area



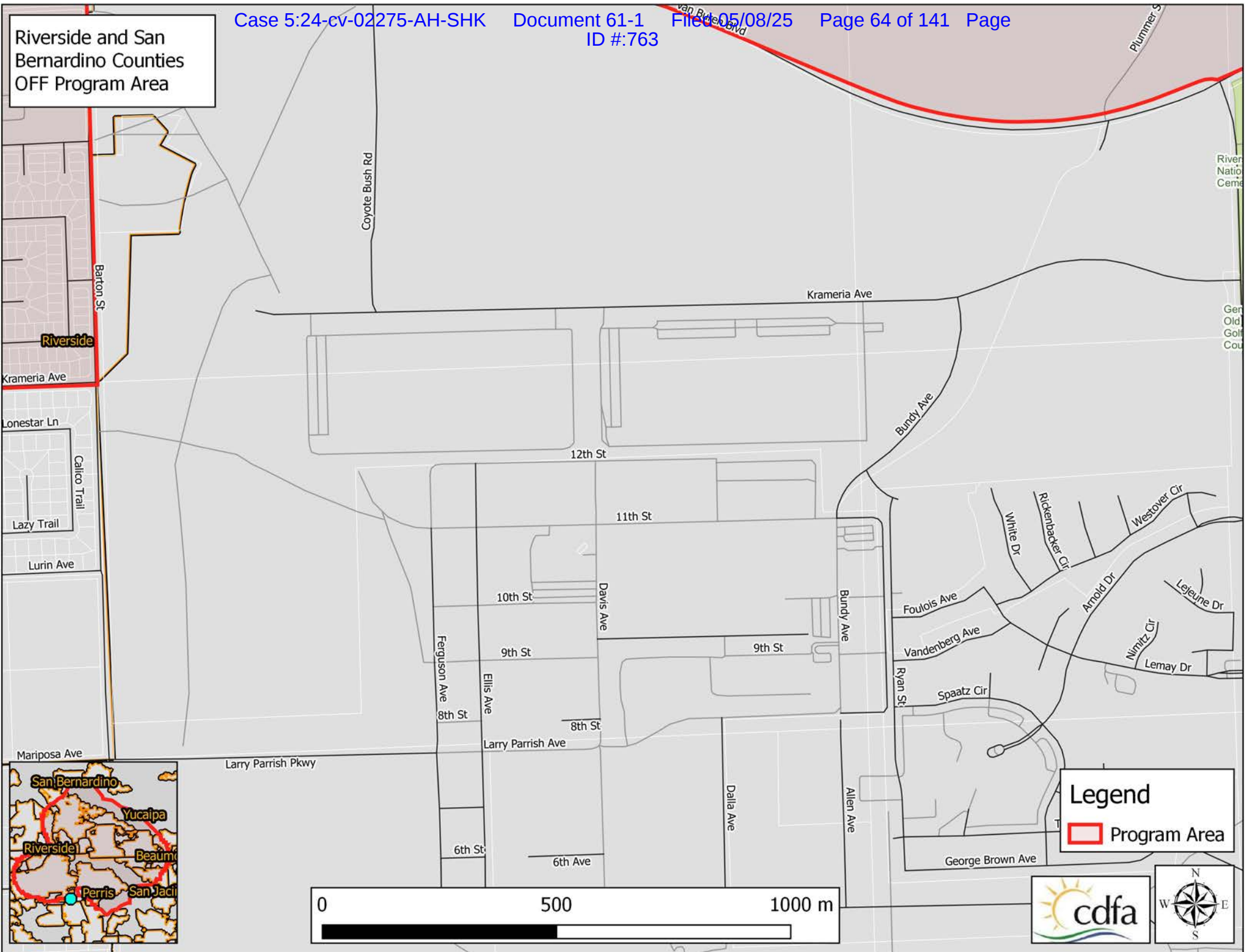
Riverside and San Bernardino Counties
OFF Program Area



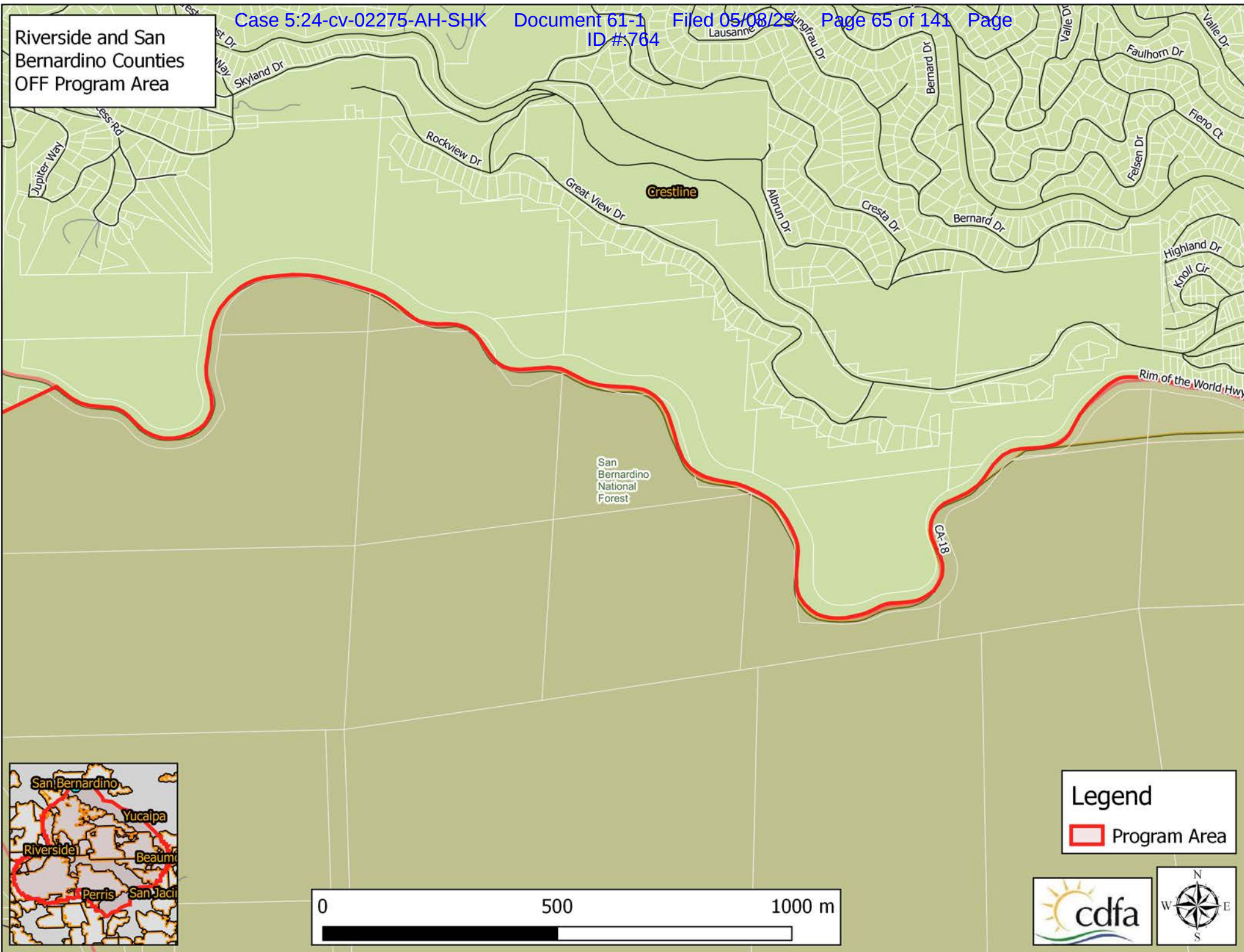
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



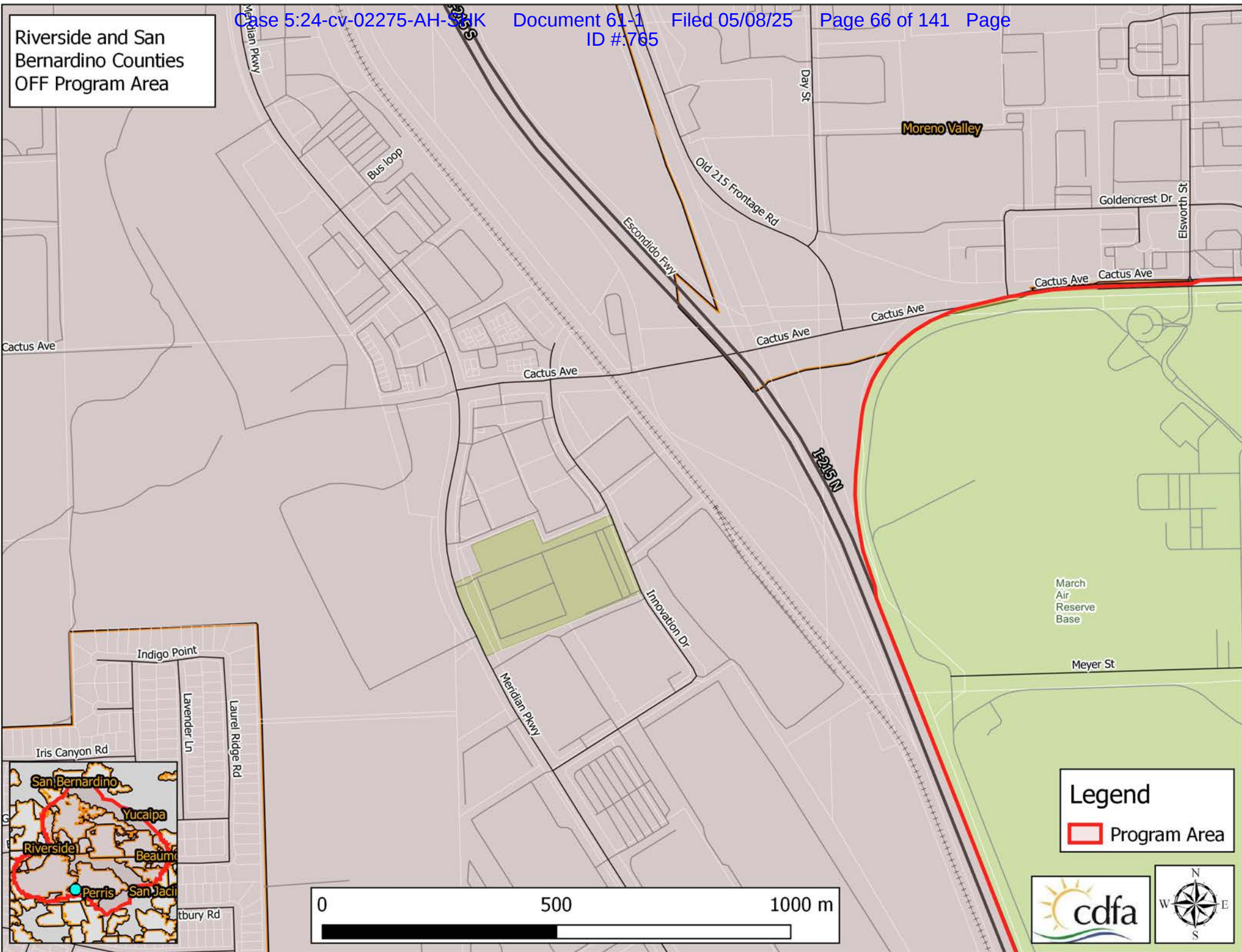
Riverside and San Bernardino Counties
OFF Program Area



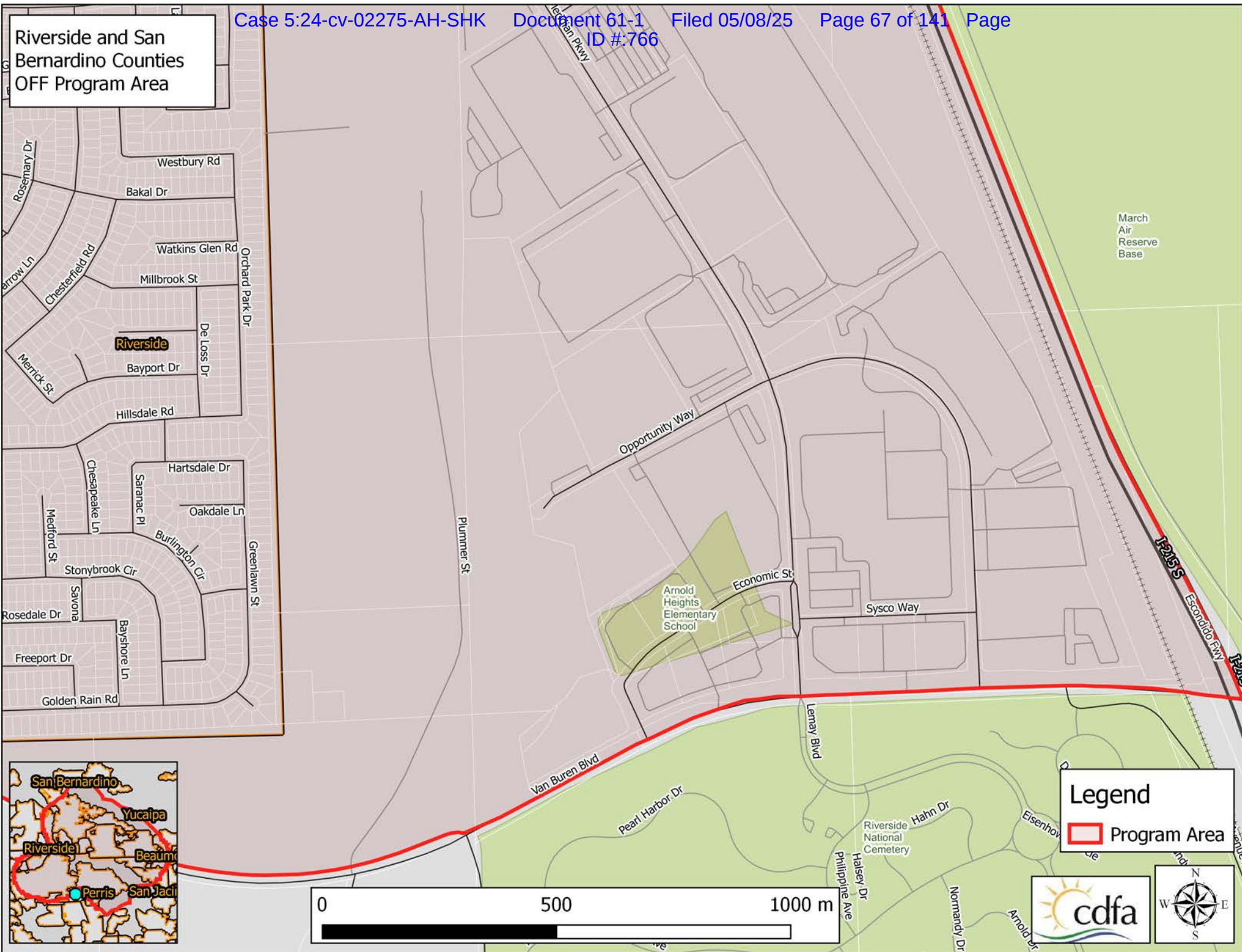
Legend
Program Area



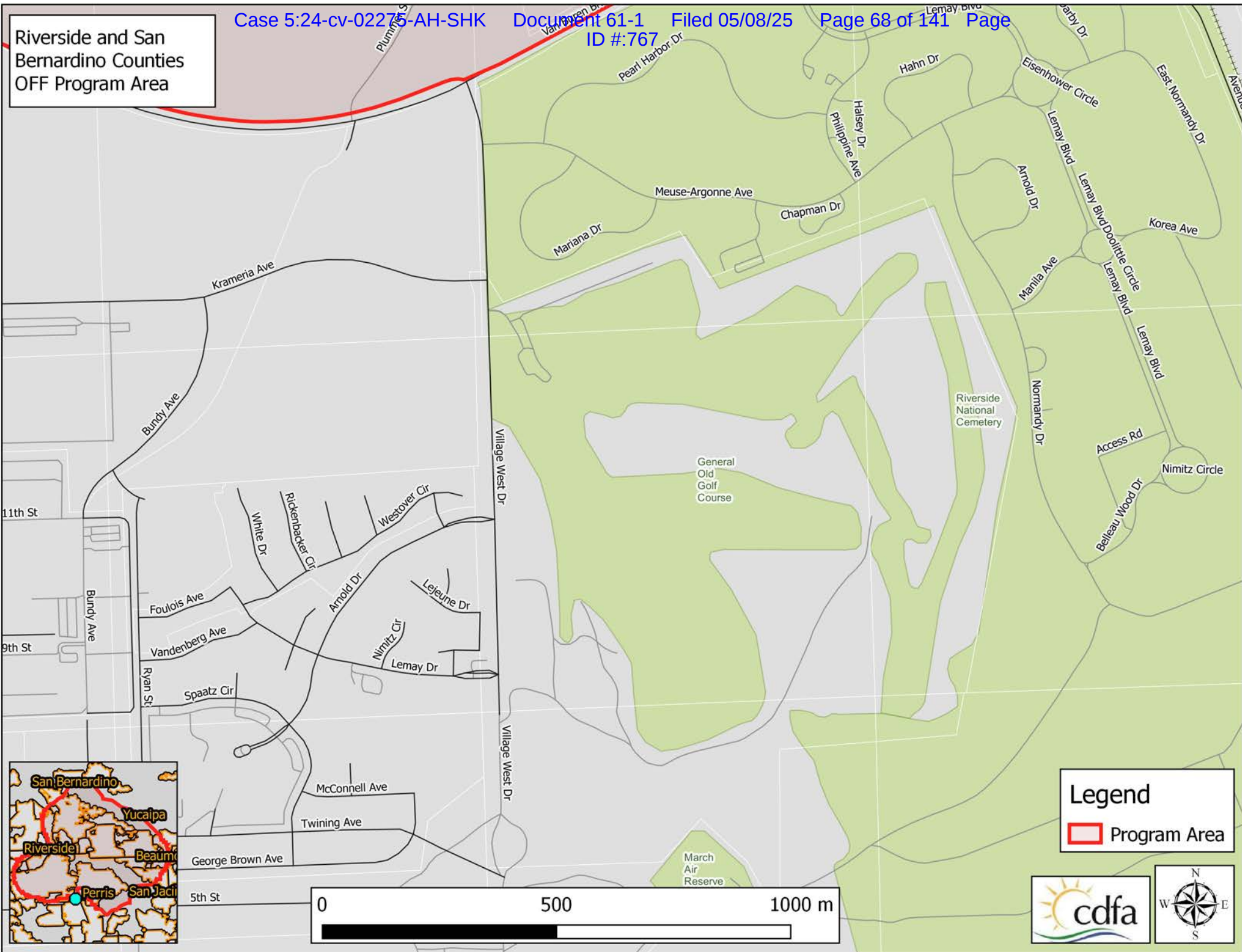
Riverside and San Bernardino Counties
OFF Program Area



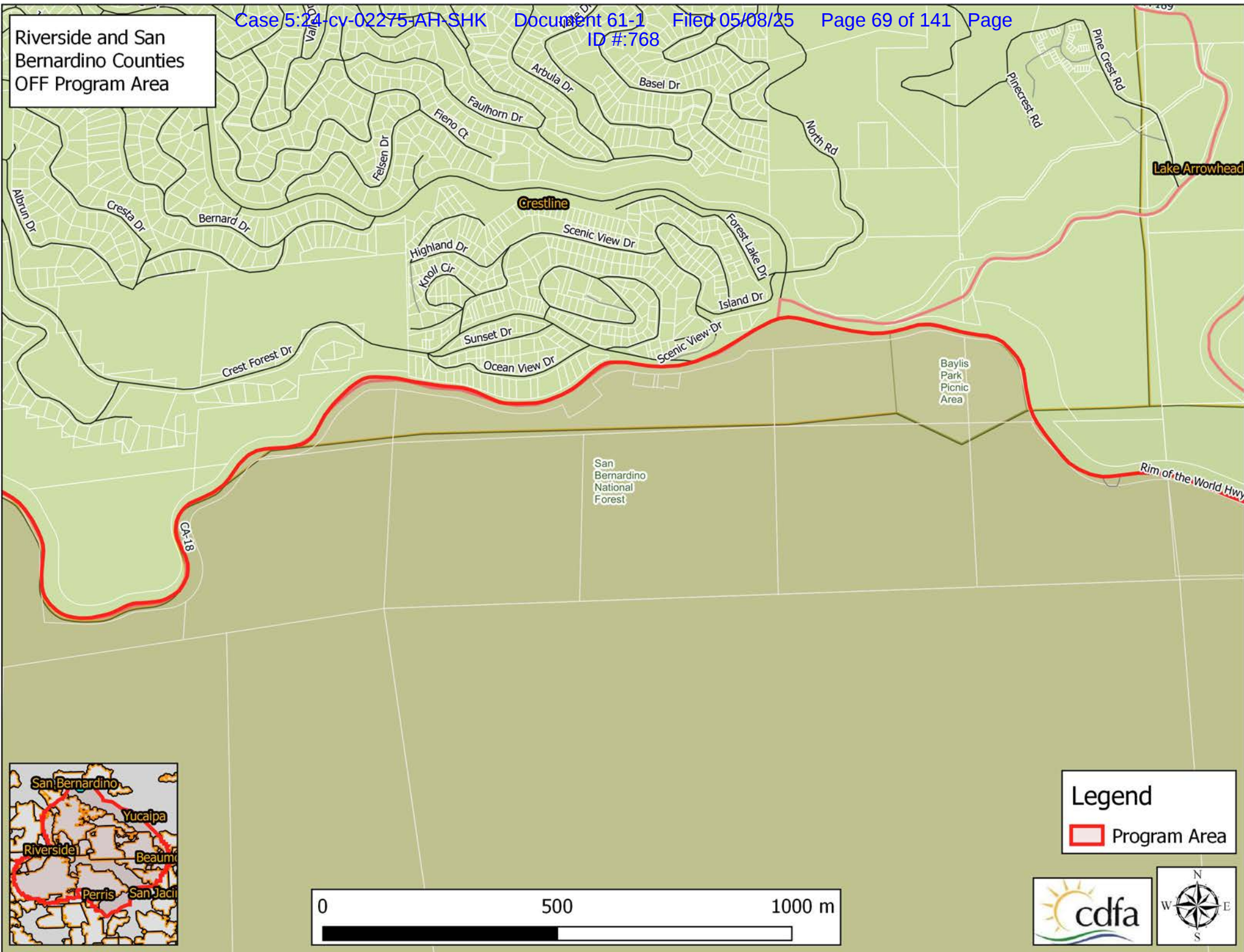
Riverside and San Bernardino Counties
OFF Program Area



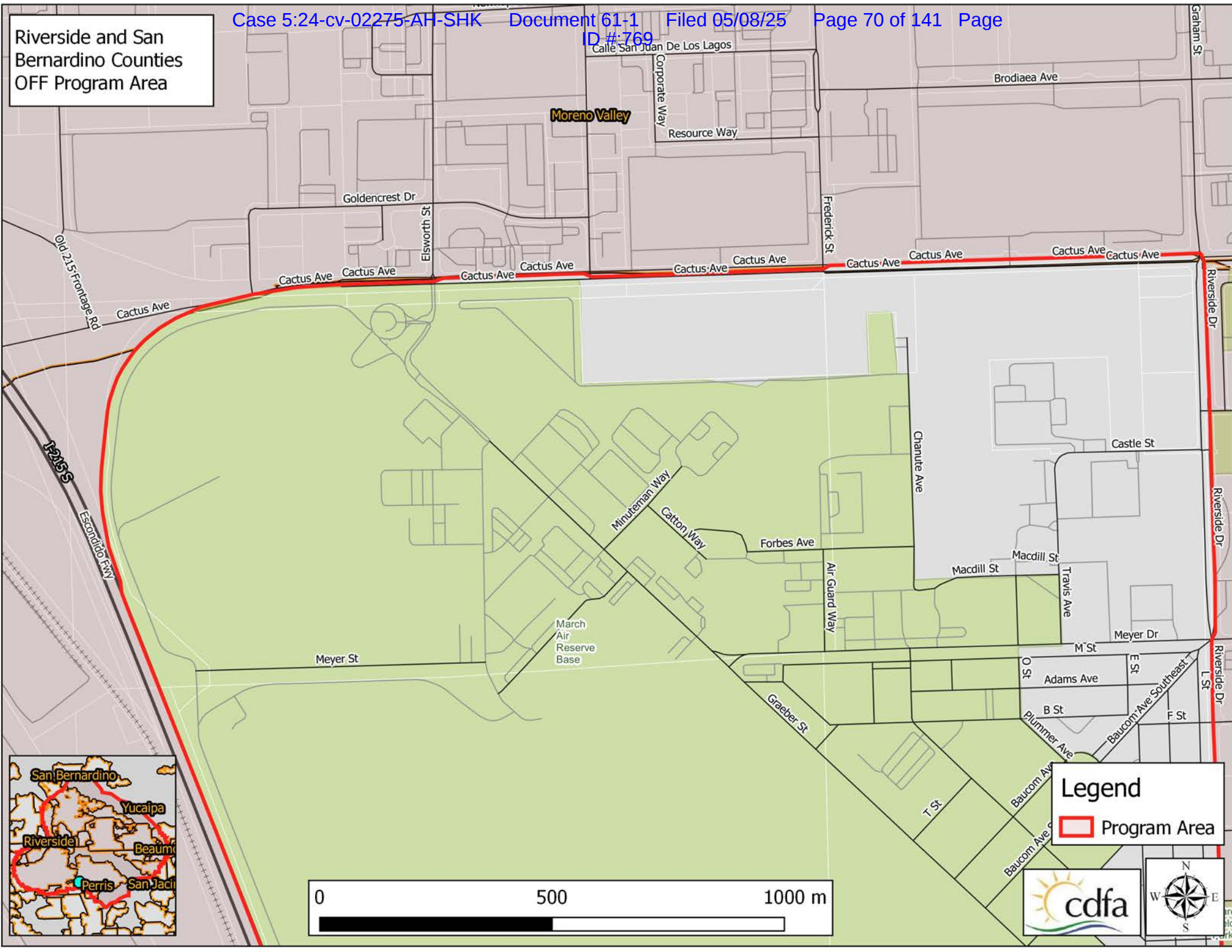
Riverside and San Bernardino Counties
OFF Program Area



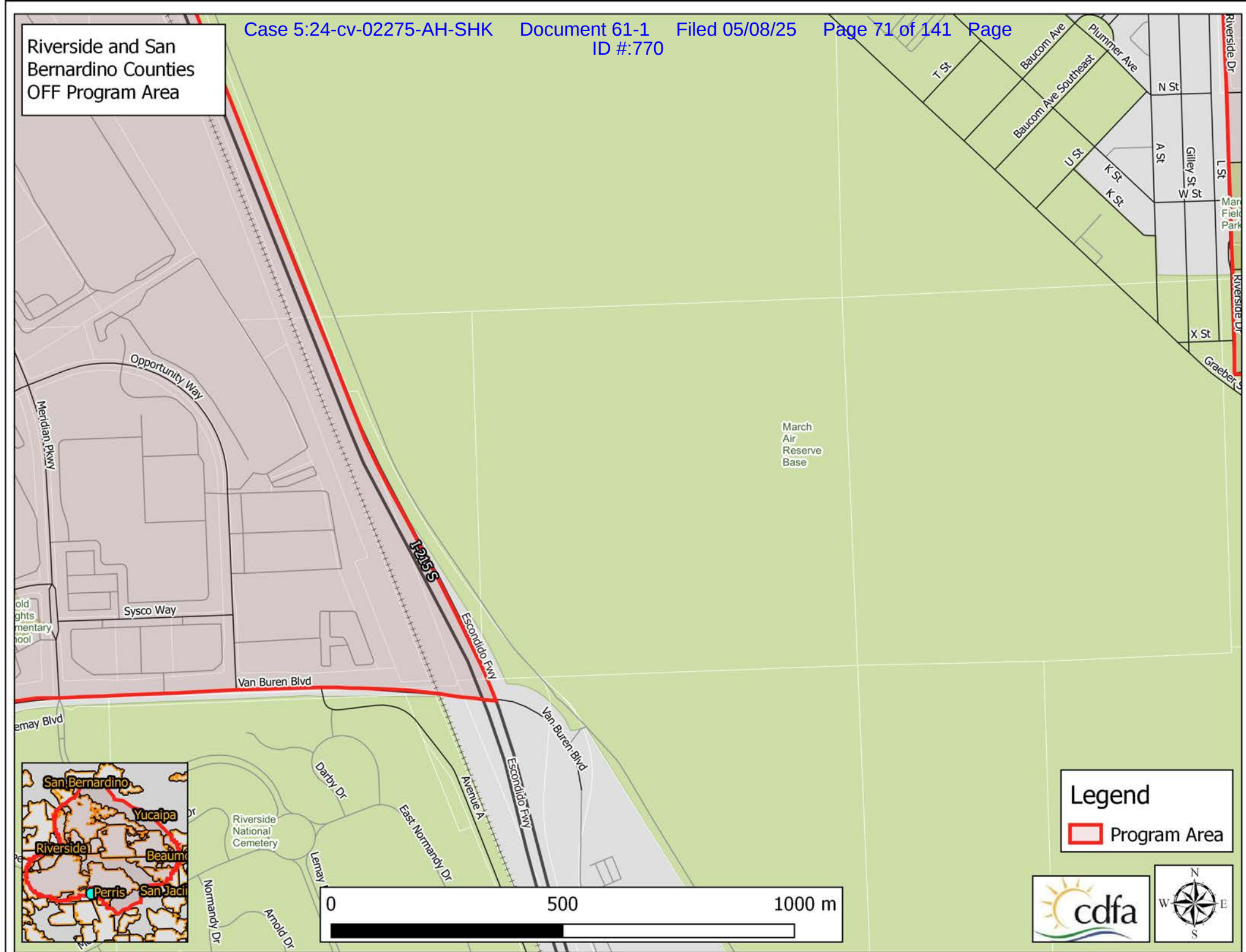
Riverside and San
Bernardino Counties
OFF Program Area



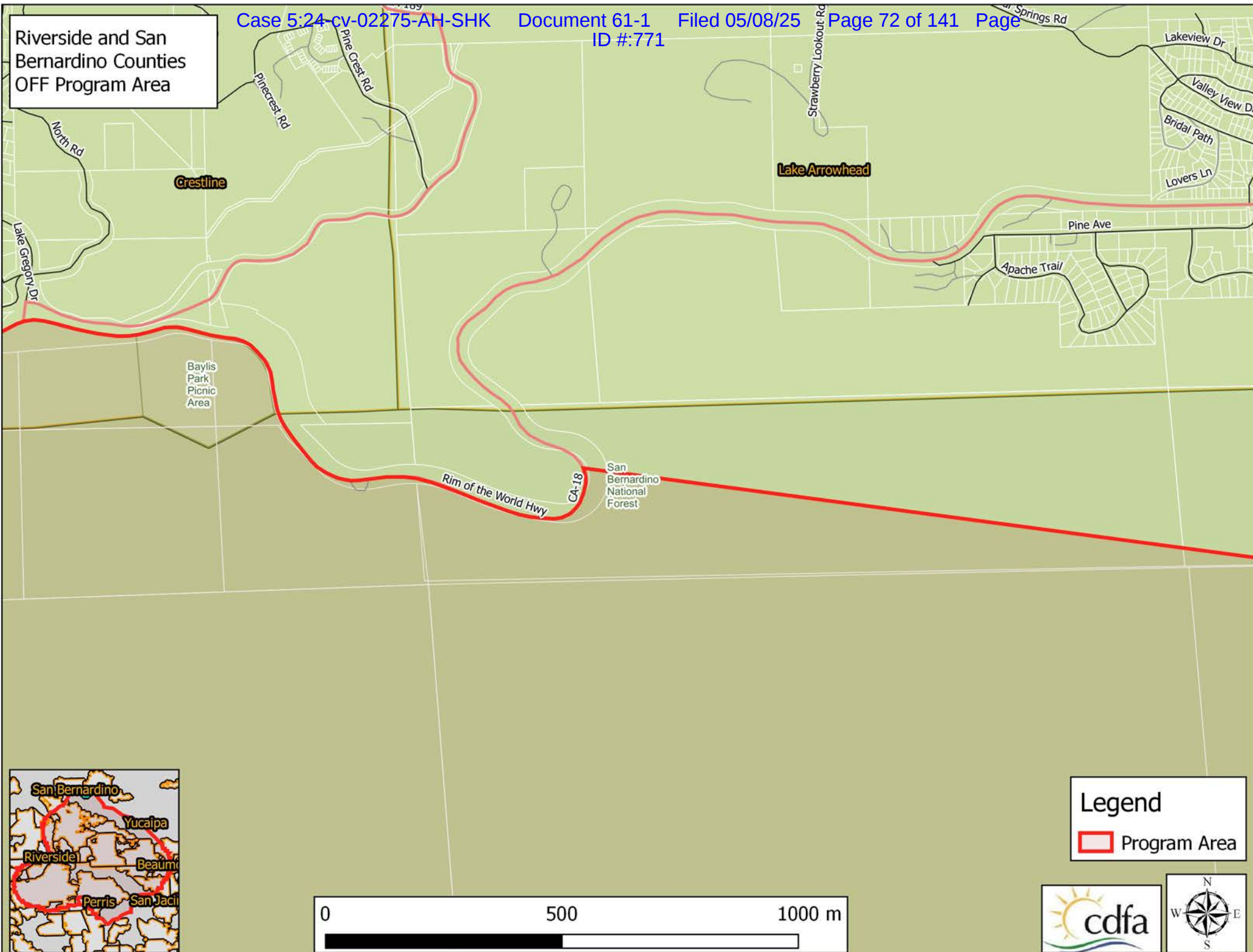
Riverside and San Bernardino Counties
OFF Program Area



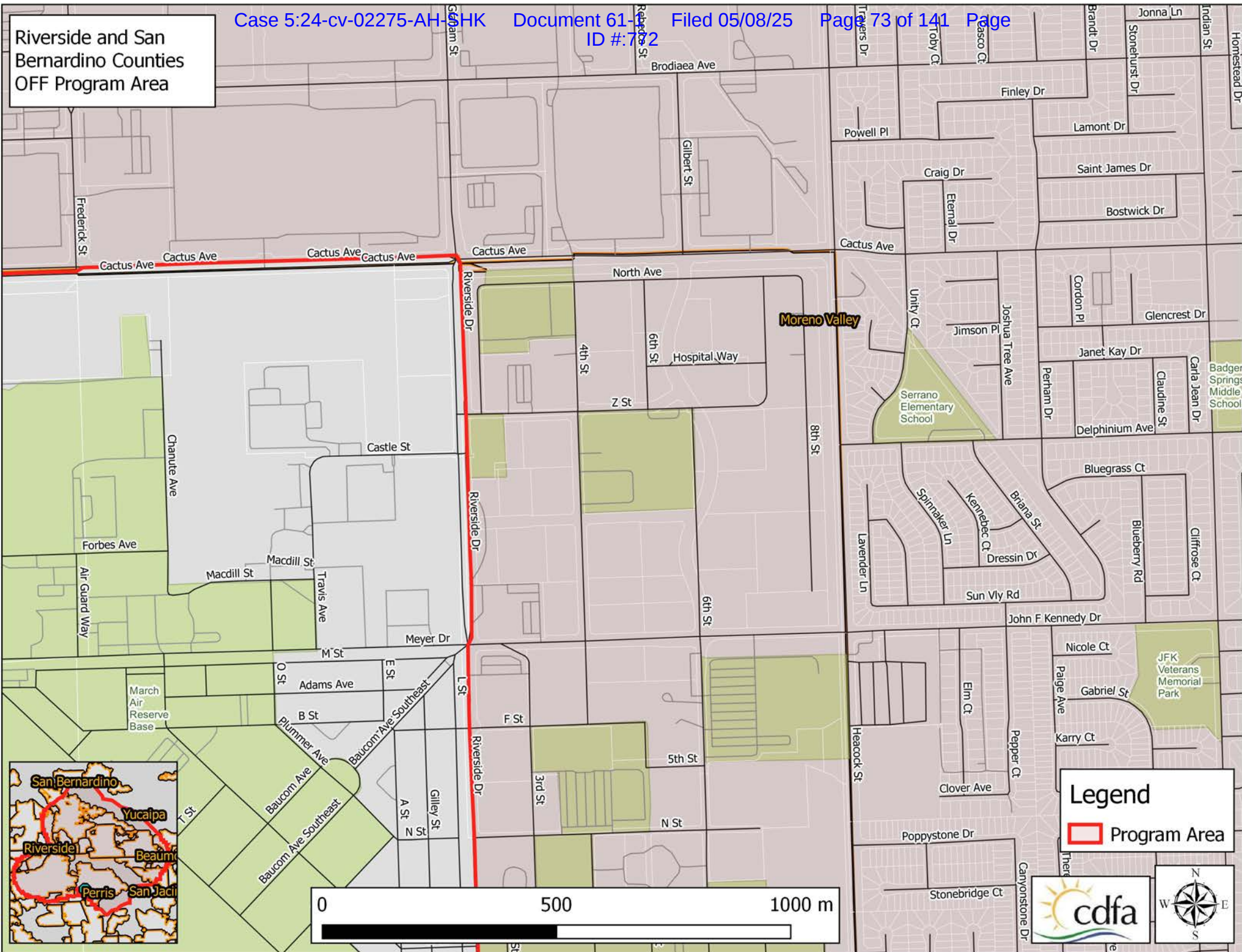
Riverside and San Bernardino Counties
OFF Program Area



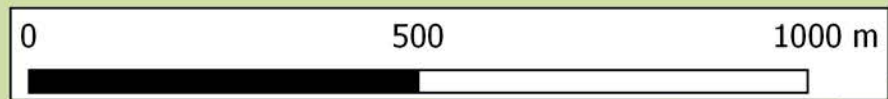
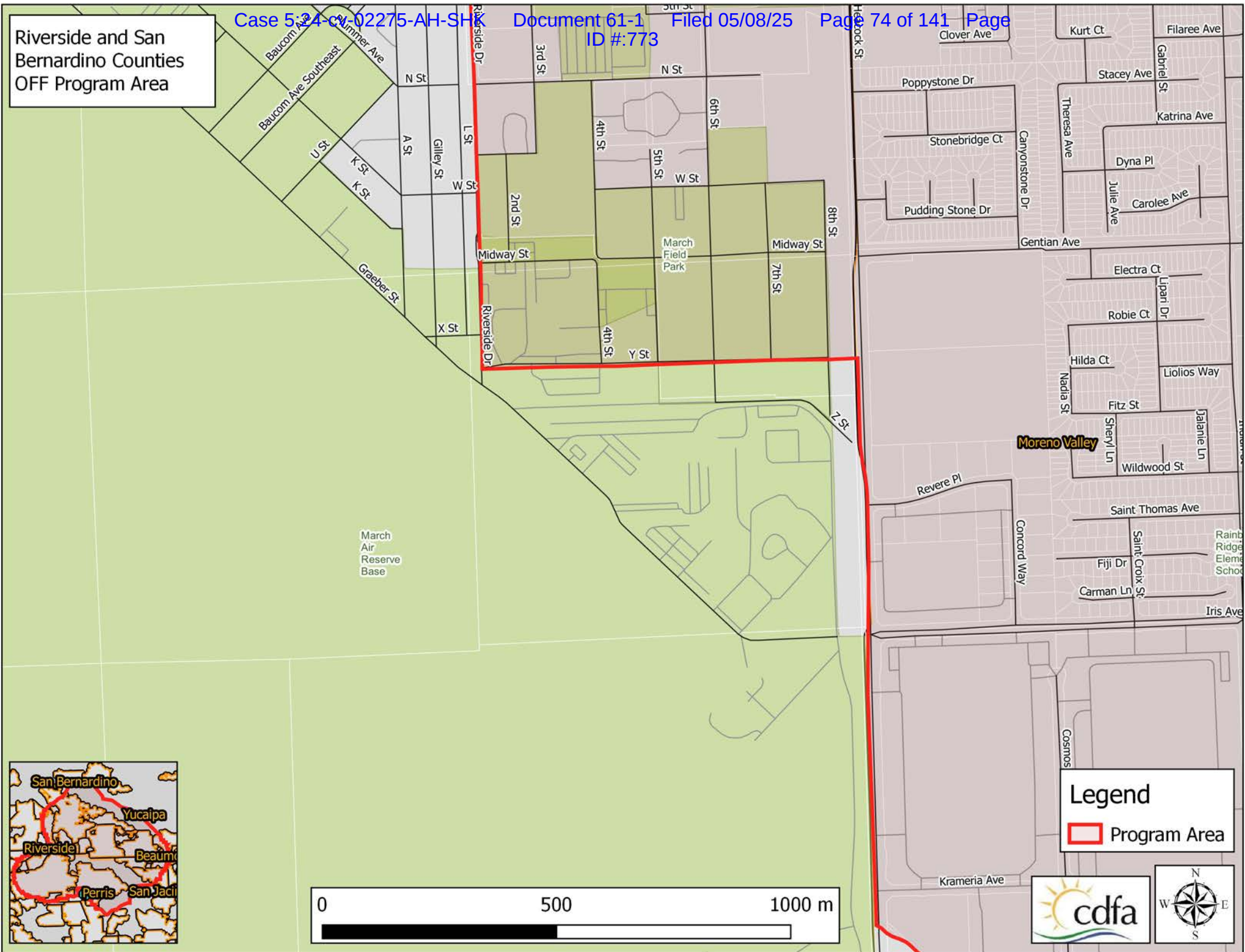
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

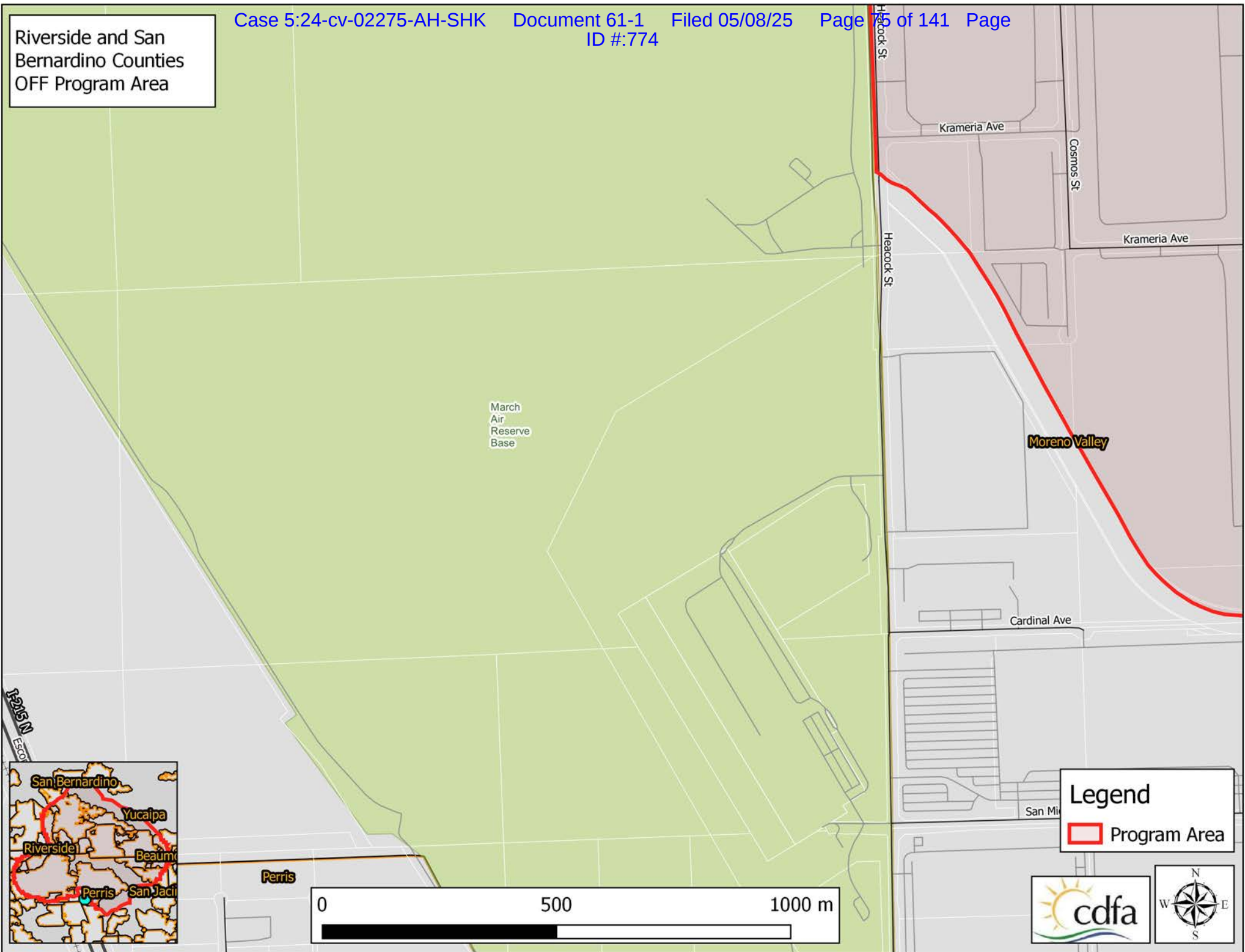


Legend

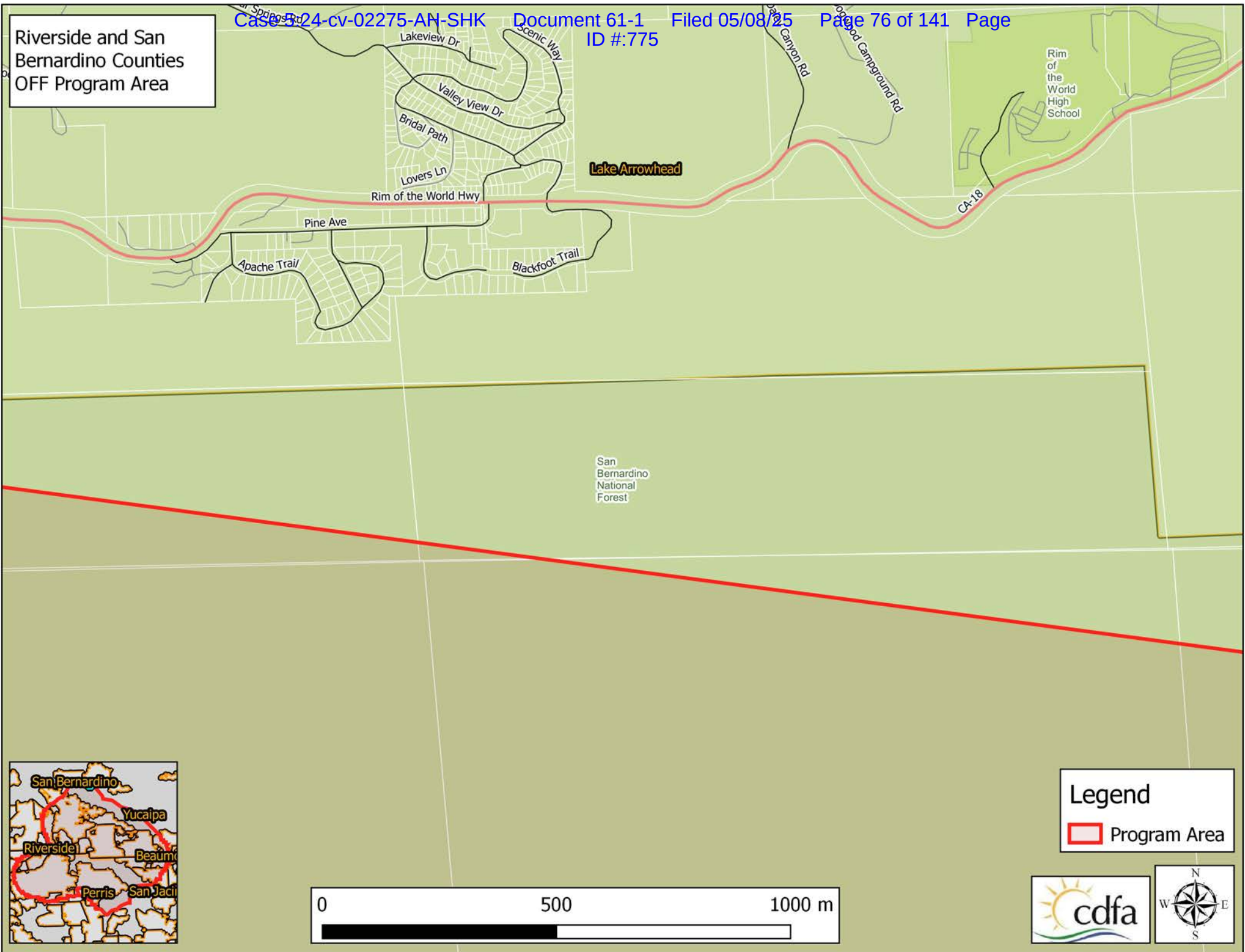
 Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Lake Arrowhead

San Bernardino National Forest

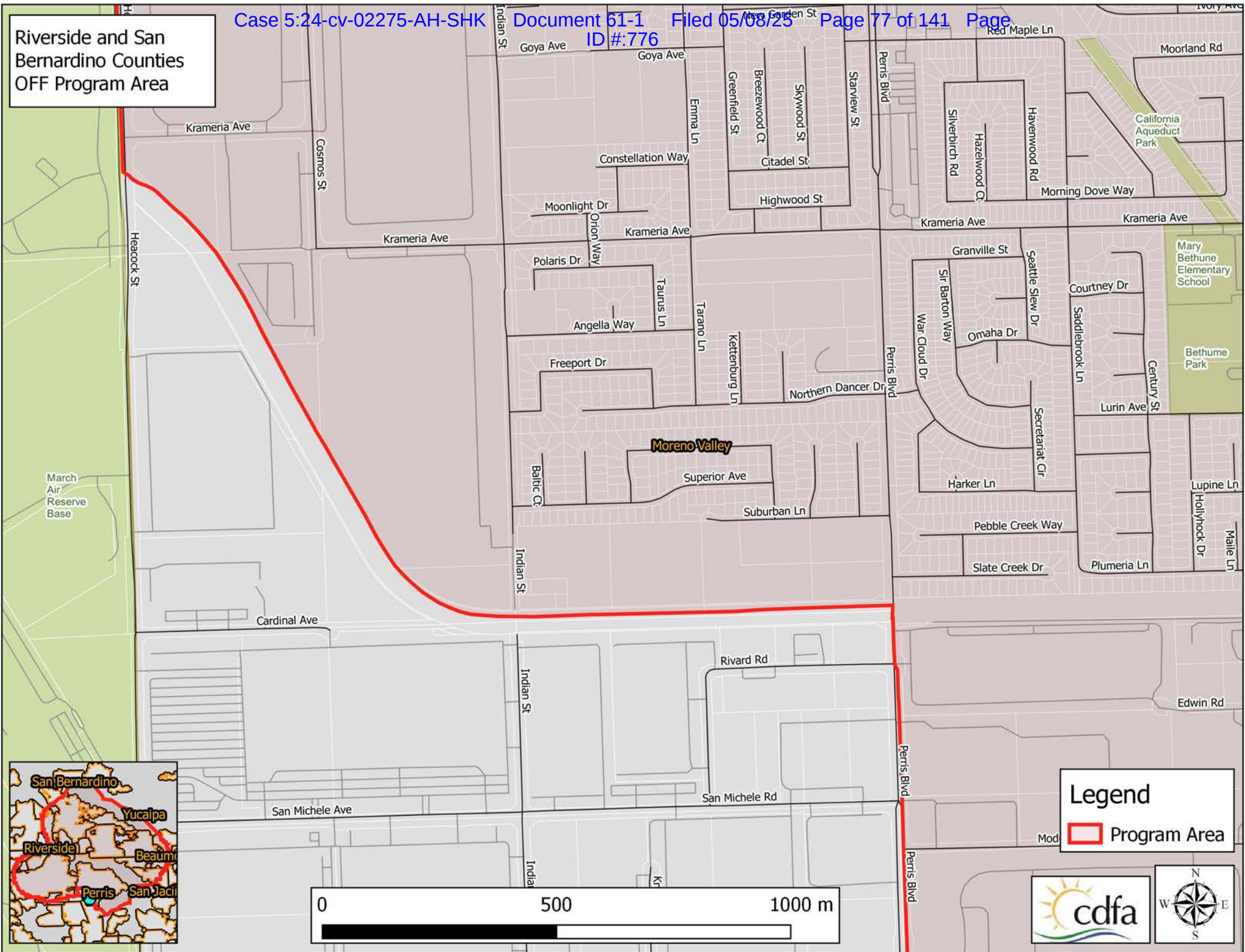
CA-18

Legend

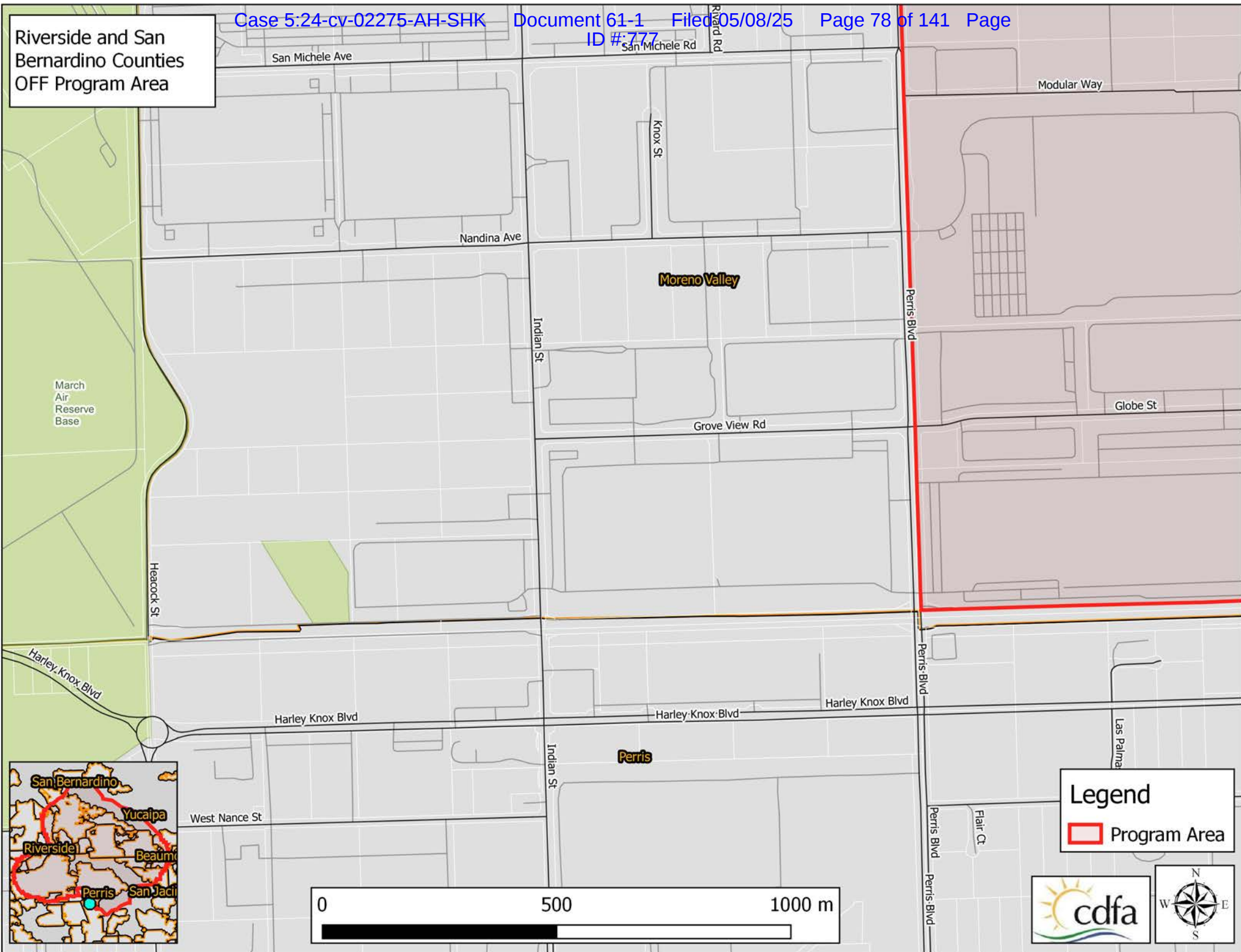
Program Area



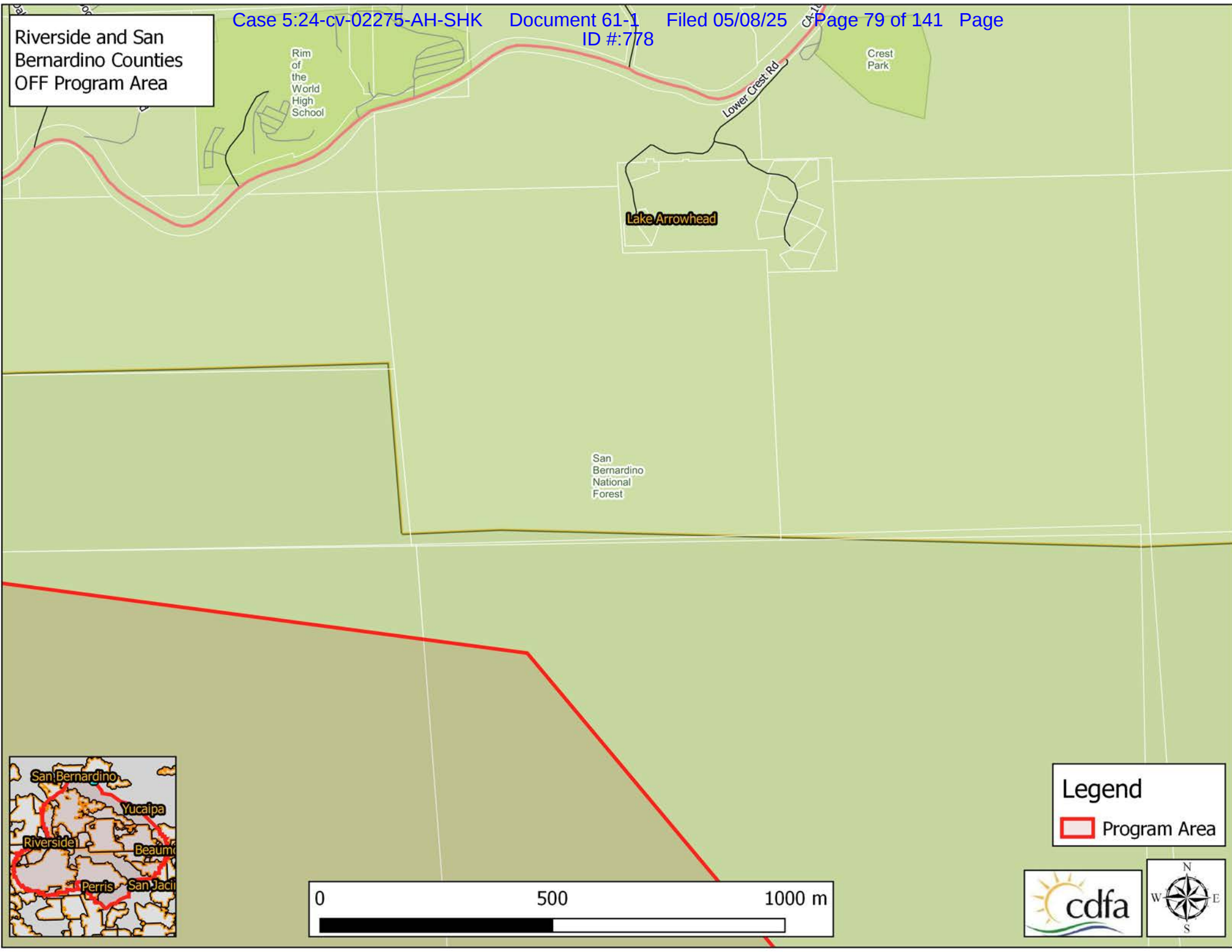
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest

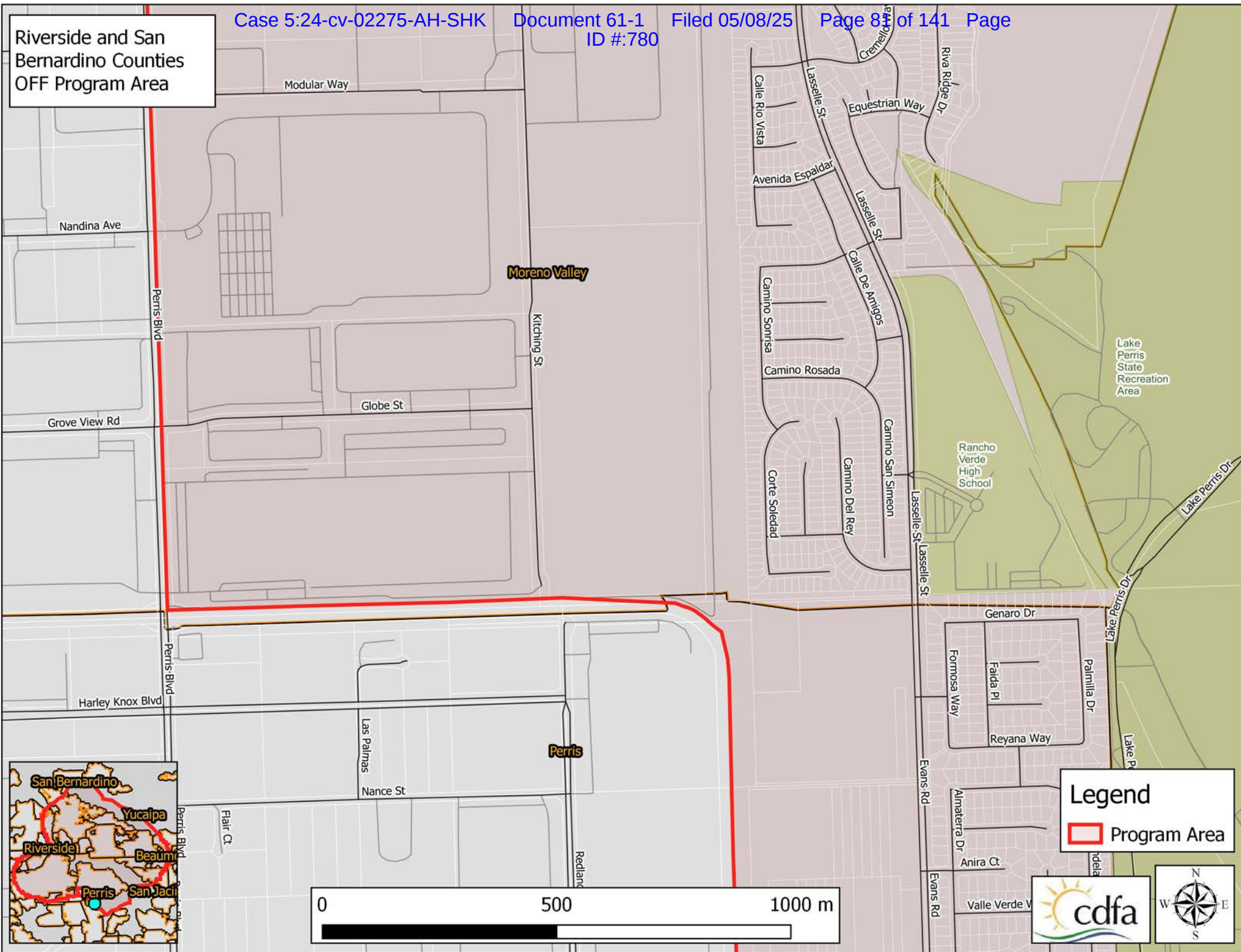


Legend

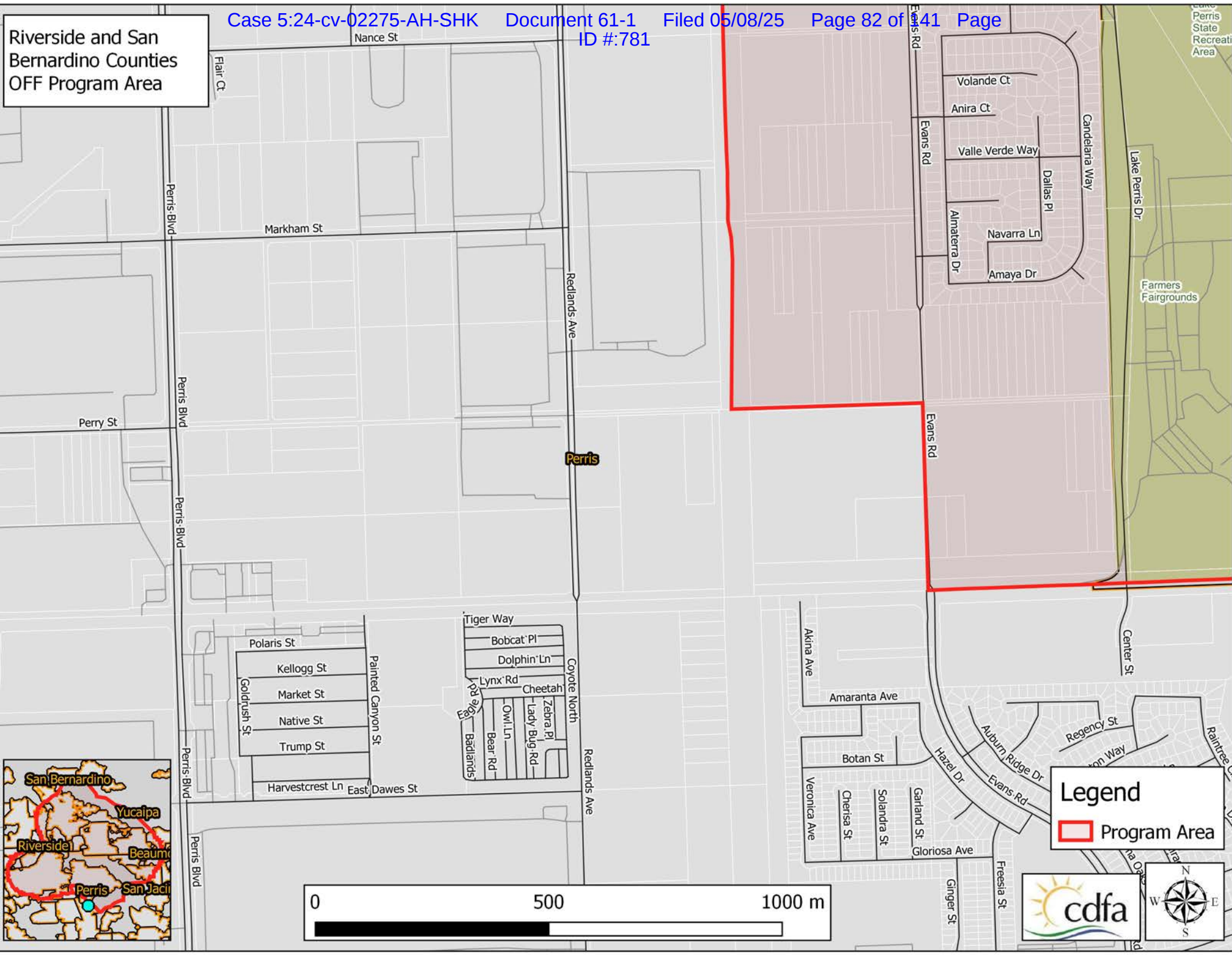
 Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



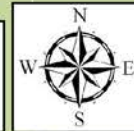
Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest



Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

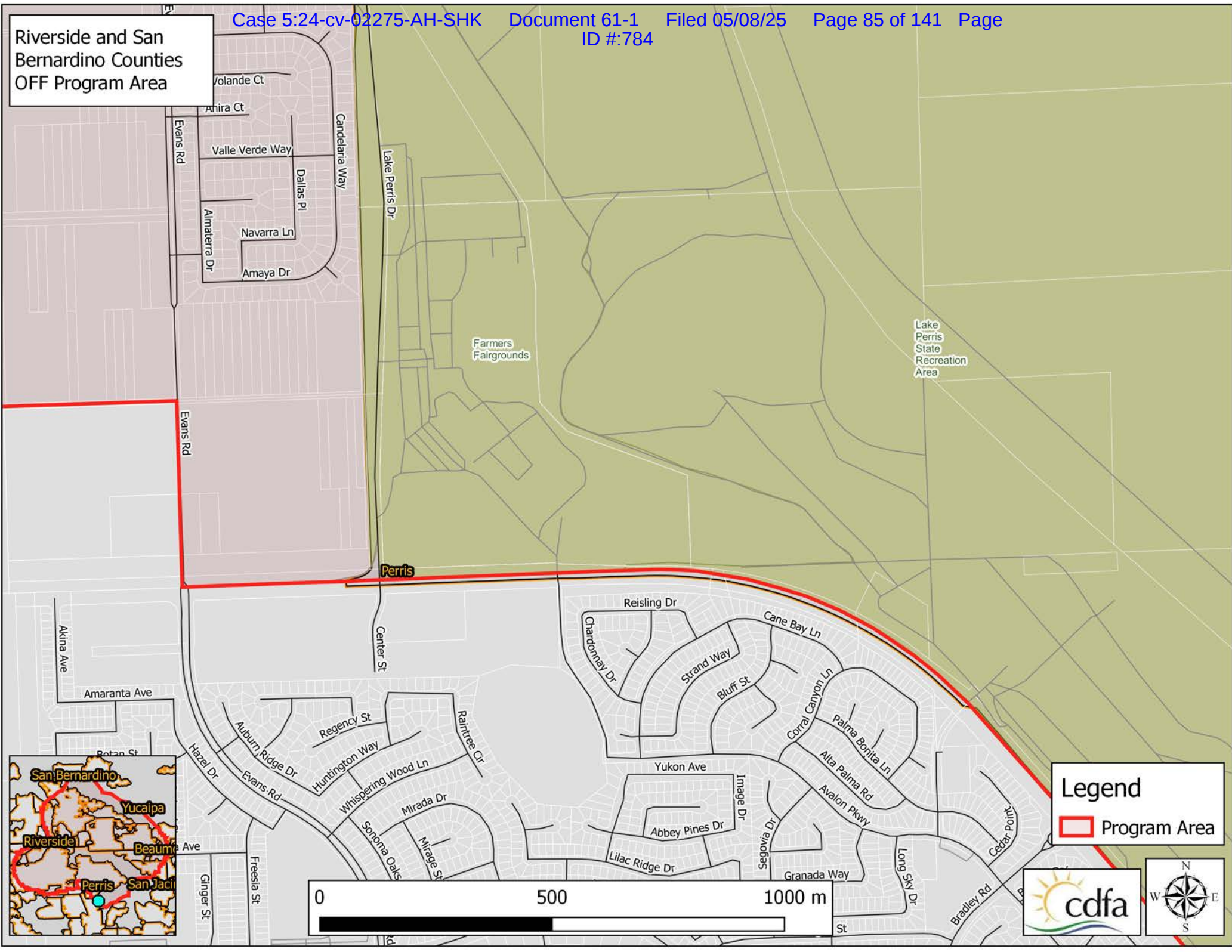
San
Bernardino
National
Forest



Legend
 Program Area



Riverside and San Bernardino Counties
OFF Program Area

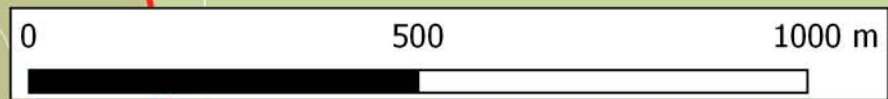


Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest

CA-330

Steve Faris Memorial Hwy

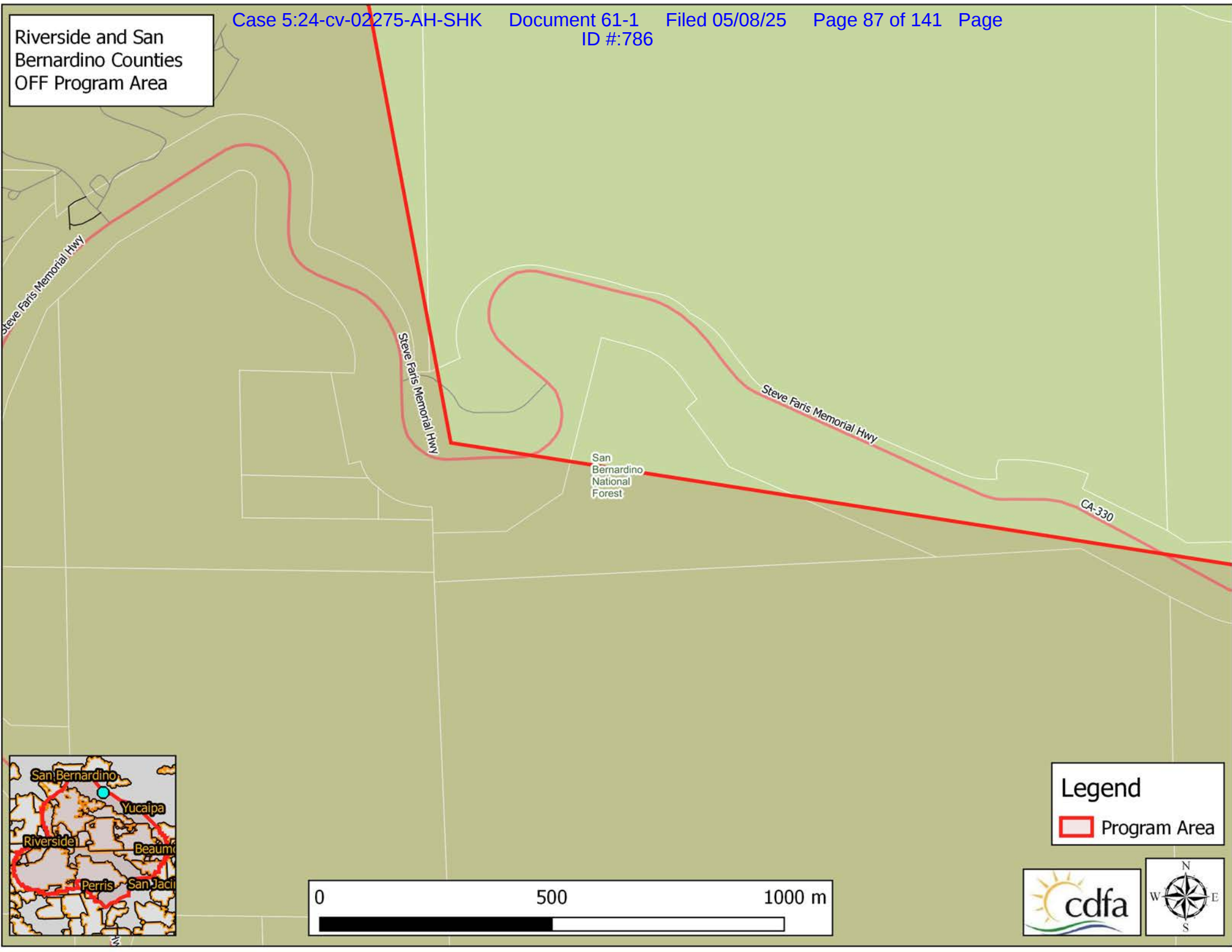


Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

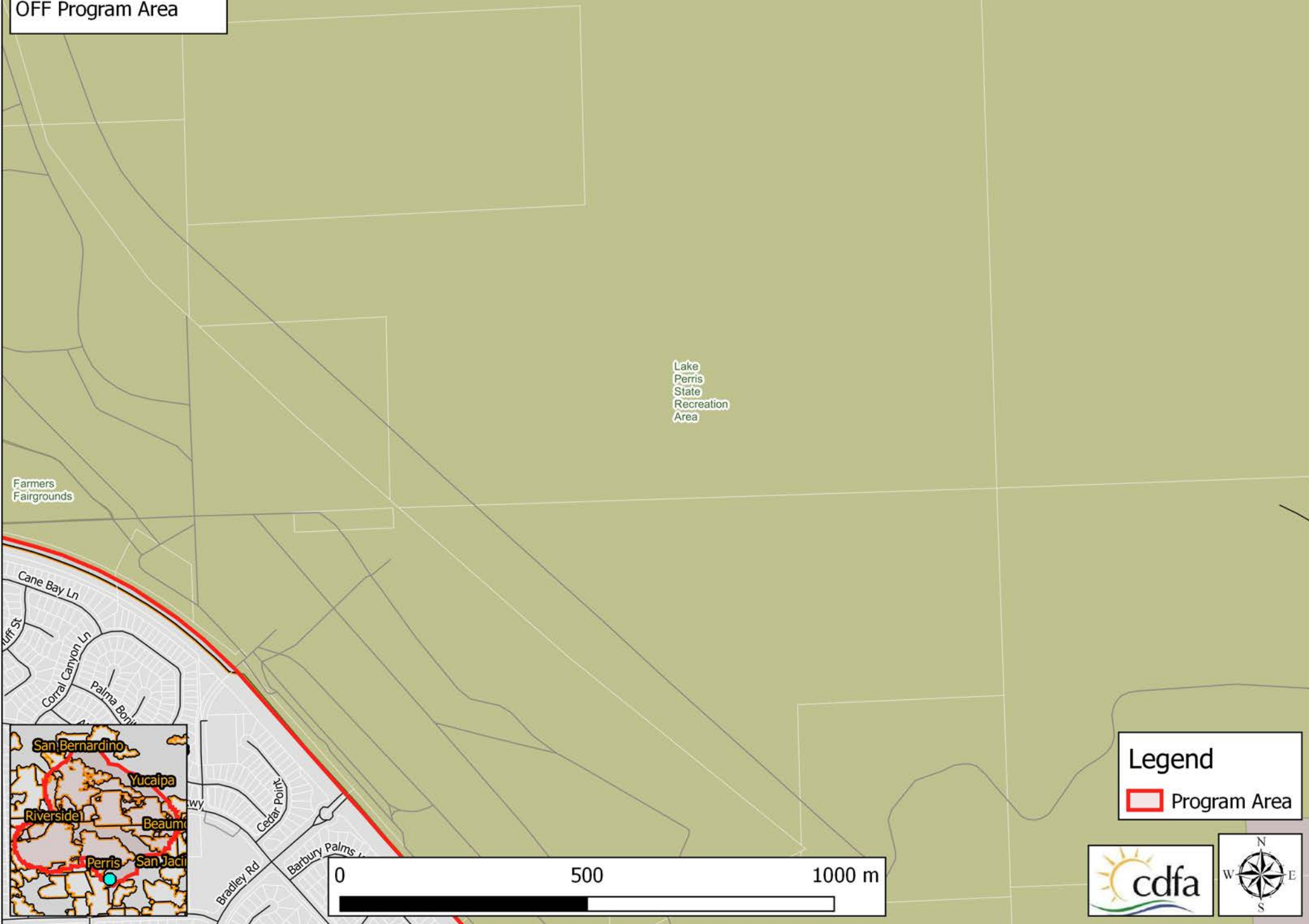


Legend

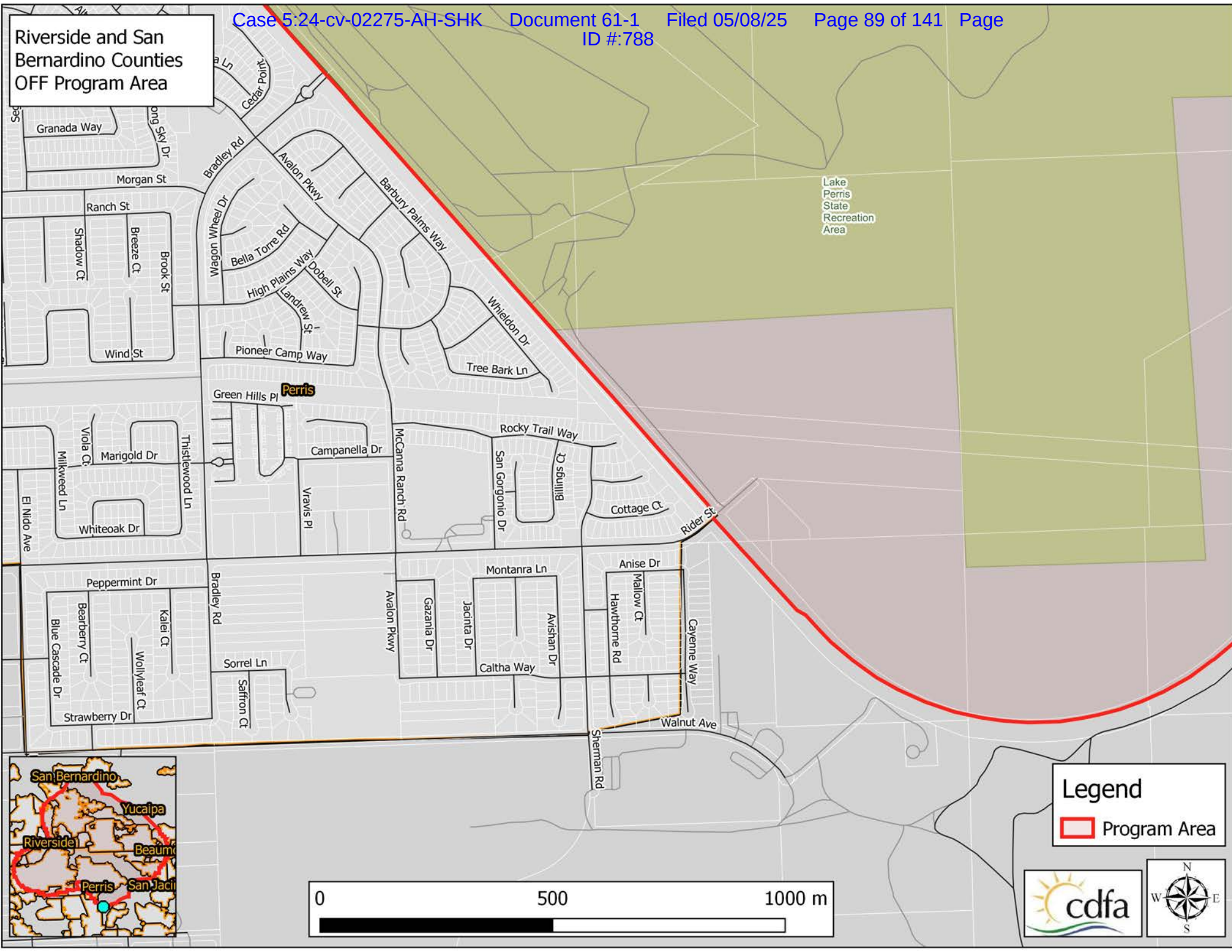
Program Area



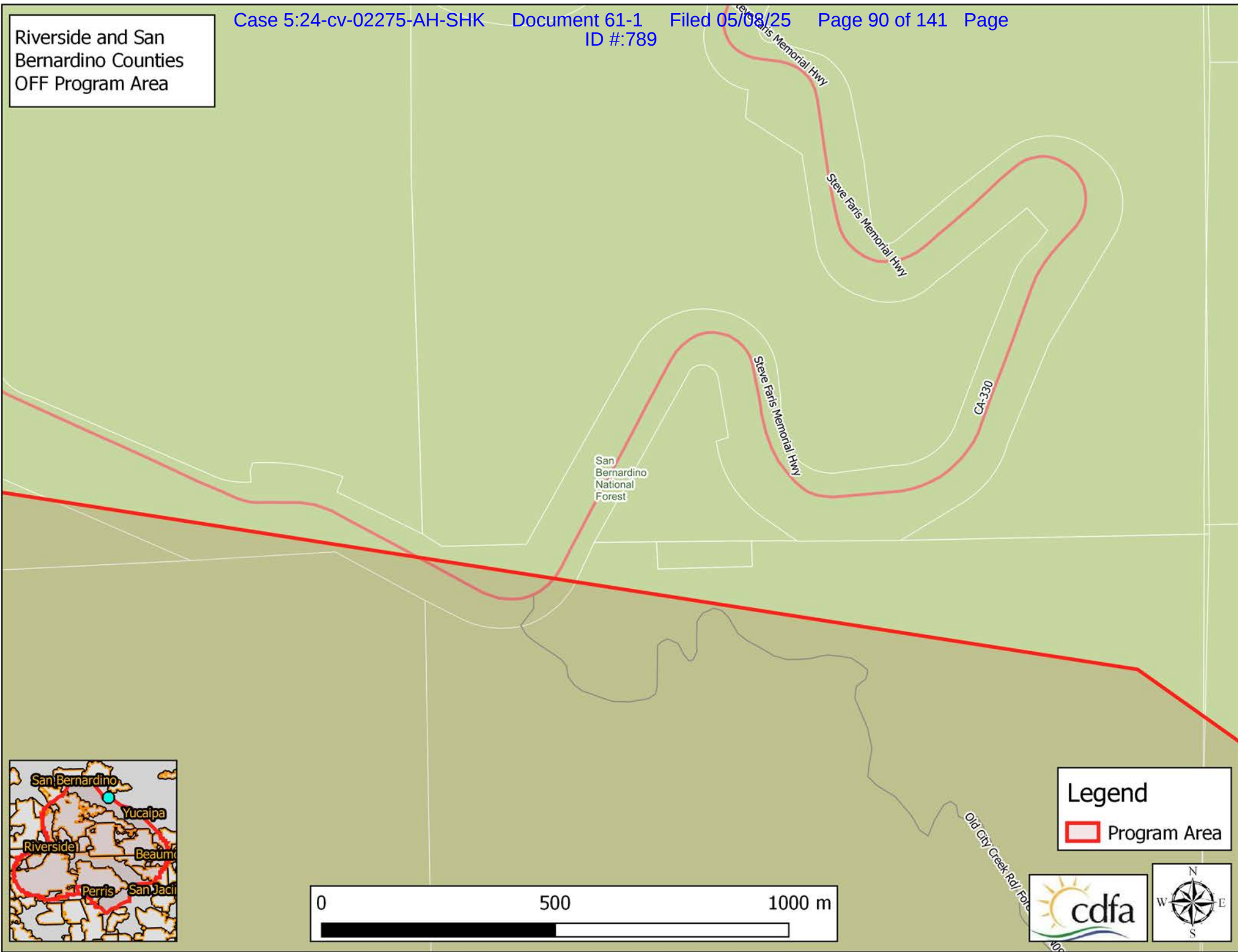
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

Lake
Perris
State
Recreation
Area



Bernasconi Rd

Rozos Rd

Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

Lake
Perris
State
Recreation
Area

Bernasconi Rd

Martin St

Rozos Rd

Pico Ave



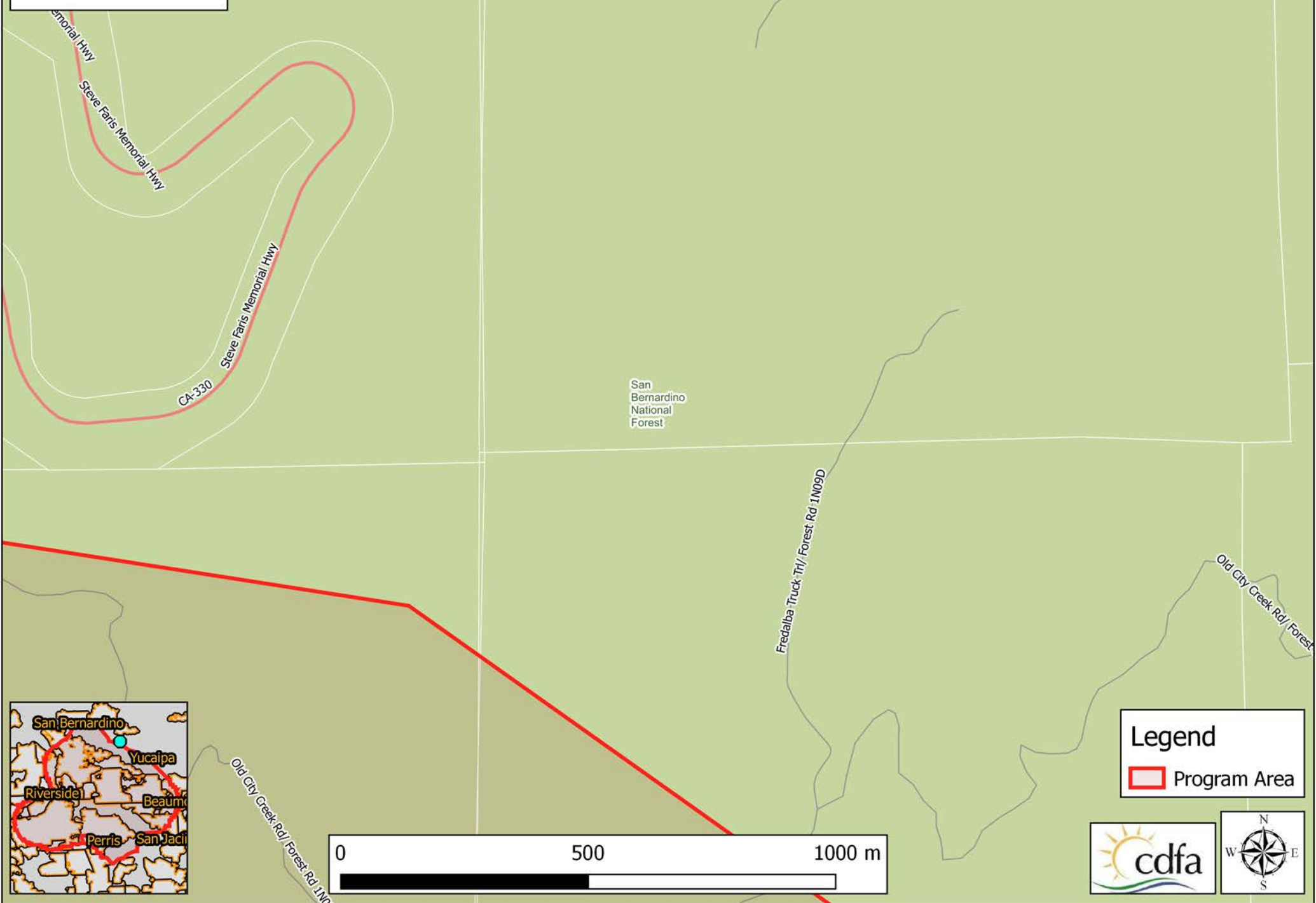
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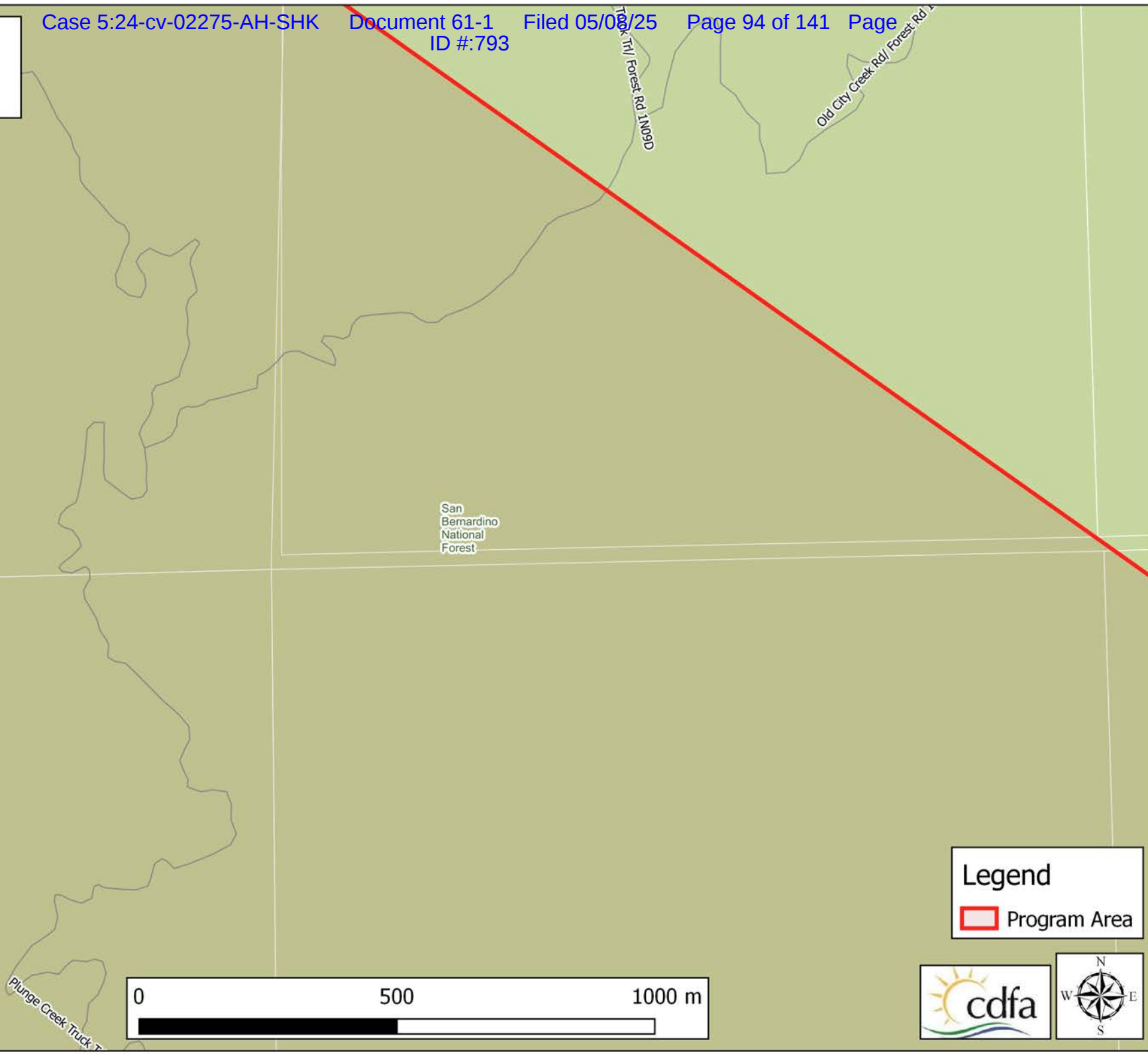
0 500 1000 m



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Legend
Program Area



Riverside and San Bernardino Counties
OFF Program Area

Lake
Perris
State
Recreation
Area



Bernasconi Rd

Martin St

Rozos Rd



Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest



Legend
Program Area



Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest



Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

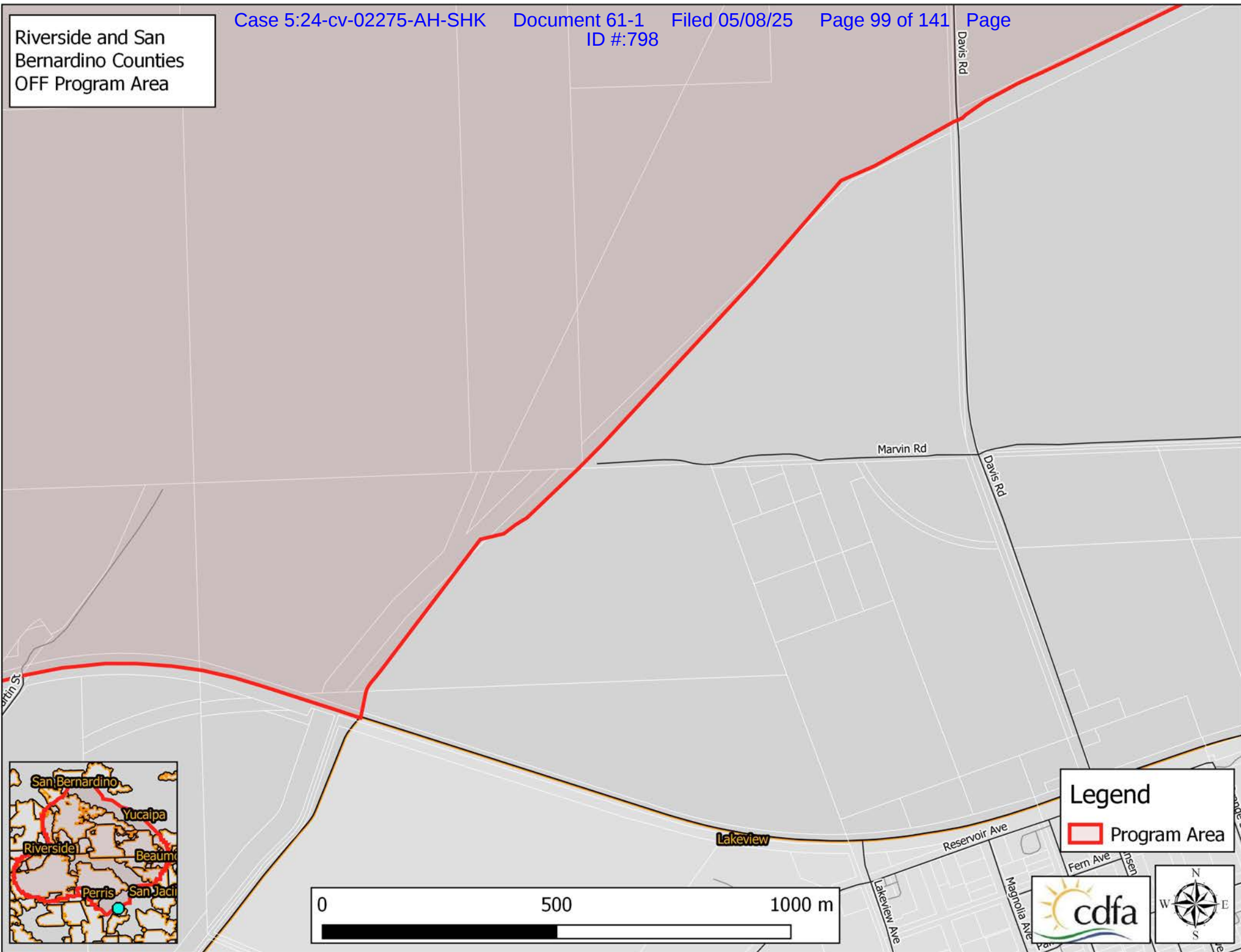


Legend

 Program Area



Riverside and San
Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest



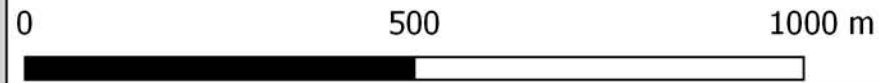
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 Program Area



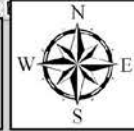
Riverside and San Bernardino Counties
OFF Program Area

Davis Rd



Legend

 Program Area



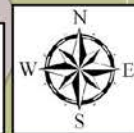
Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest



Legend

 Program Area

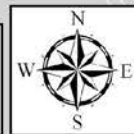


Riverside and San Bernardino Counties
OFF Program Area

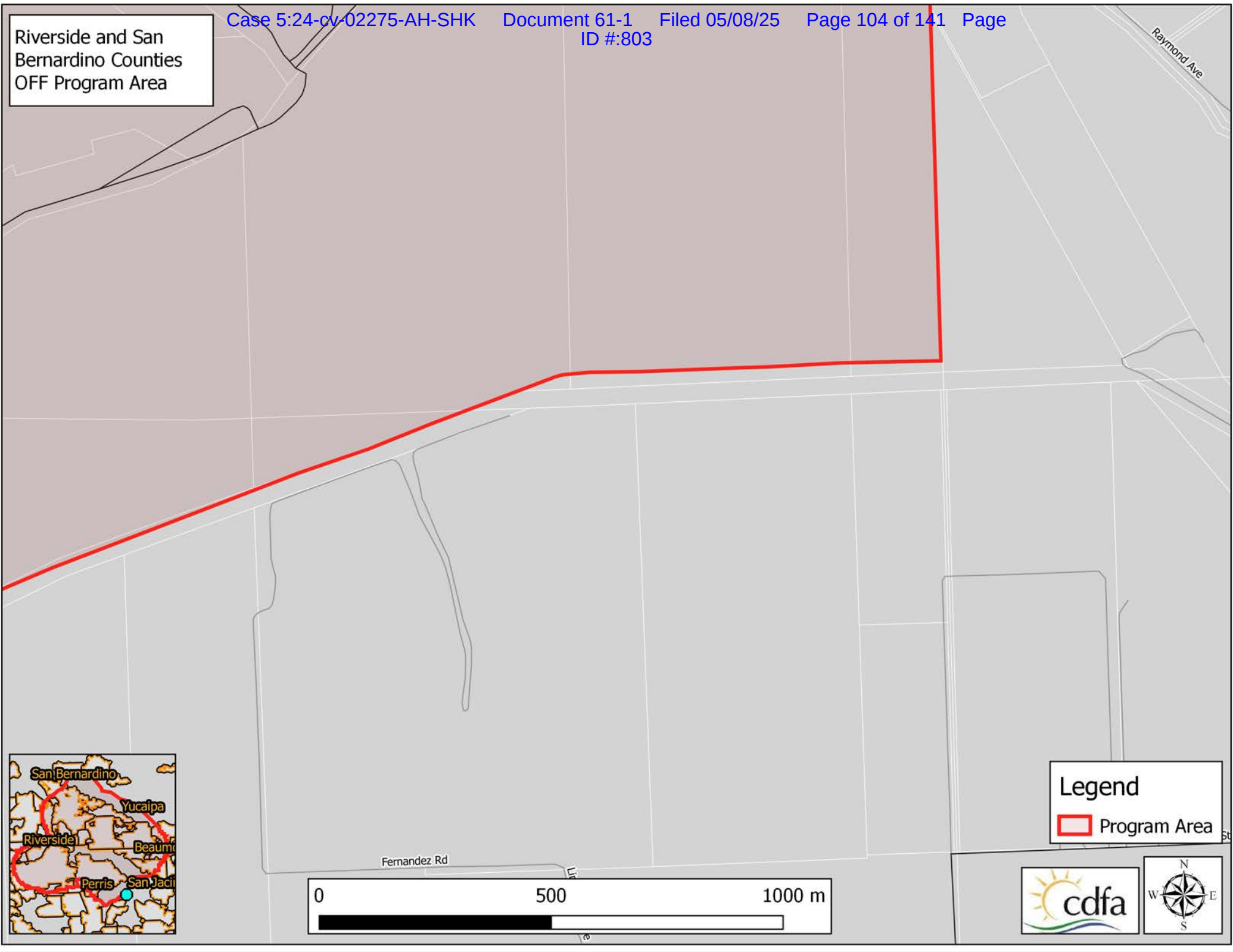


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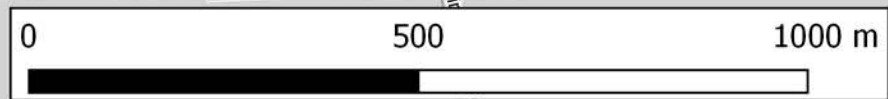


Riverside and San Bernardino Counties
OFF Program Area

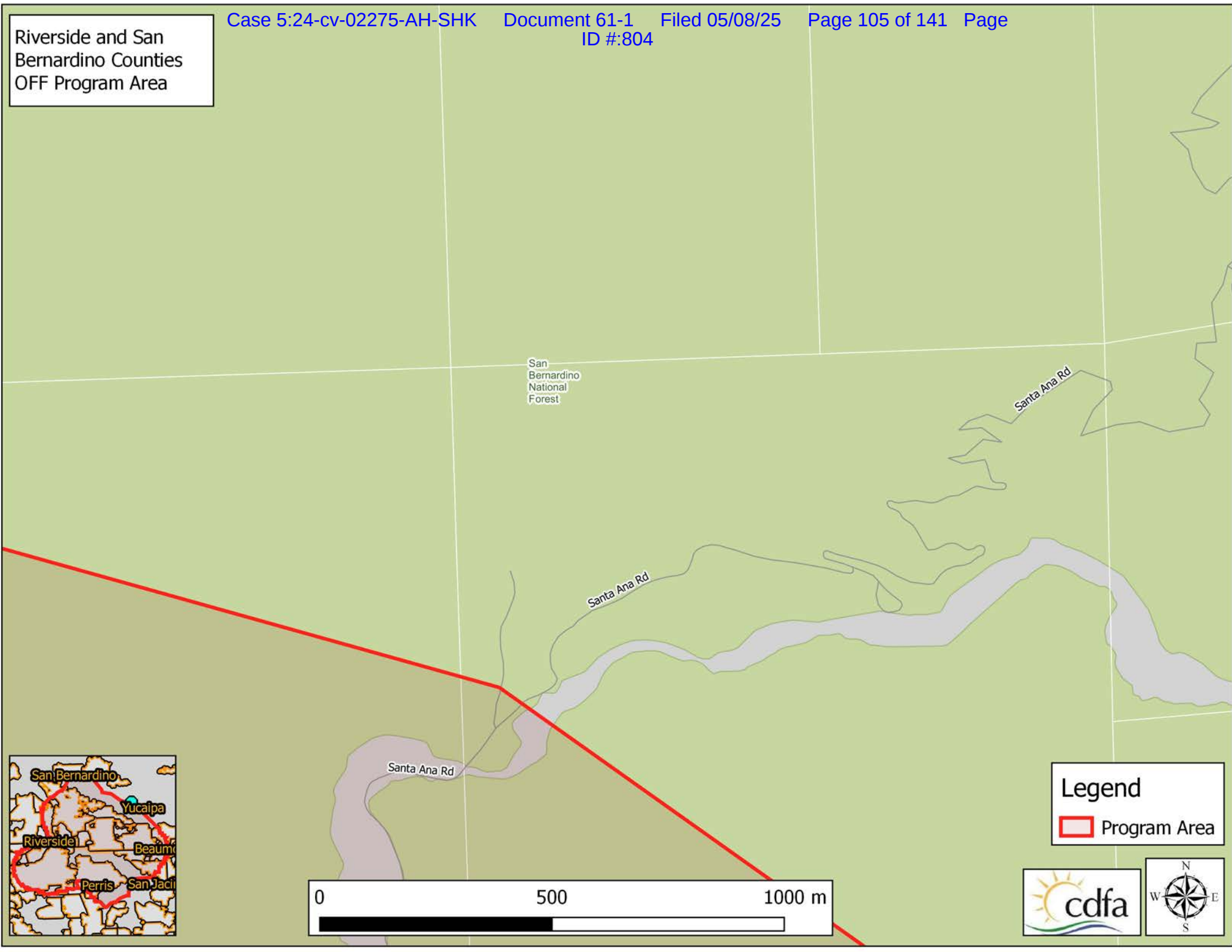


Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area



San Bernardino National Forest

Santa Ana Rd

Santa Ana Rd

Santa Ana Rd

Legend
Program Area



Riverside and San Bernardino Counties
OFF Program Area

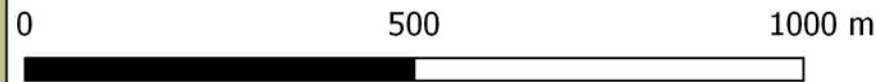


Santa Ana Rd

San Bernardino
National
Forest

Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

Gilman Springs Rd

Jack Rabbit Trl

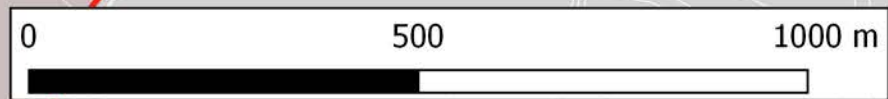


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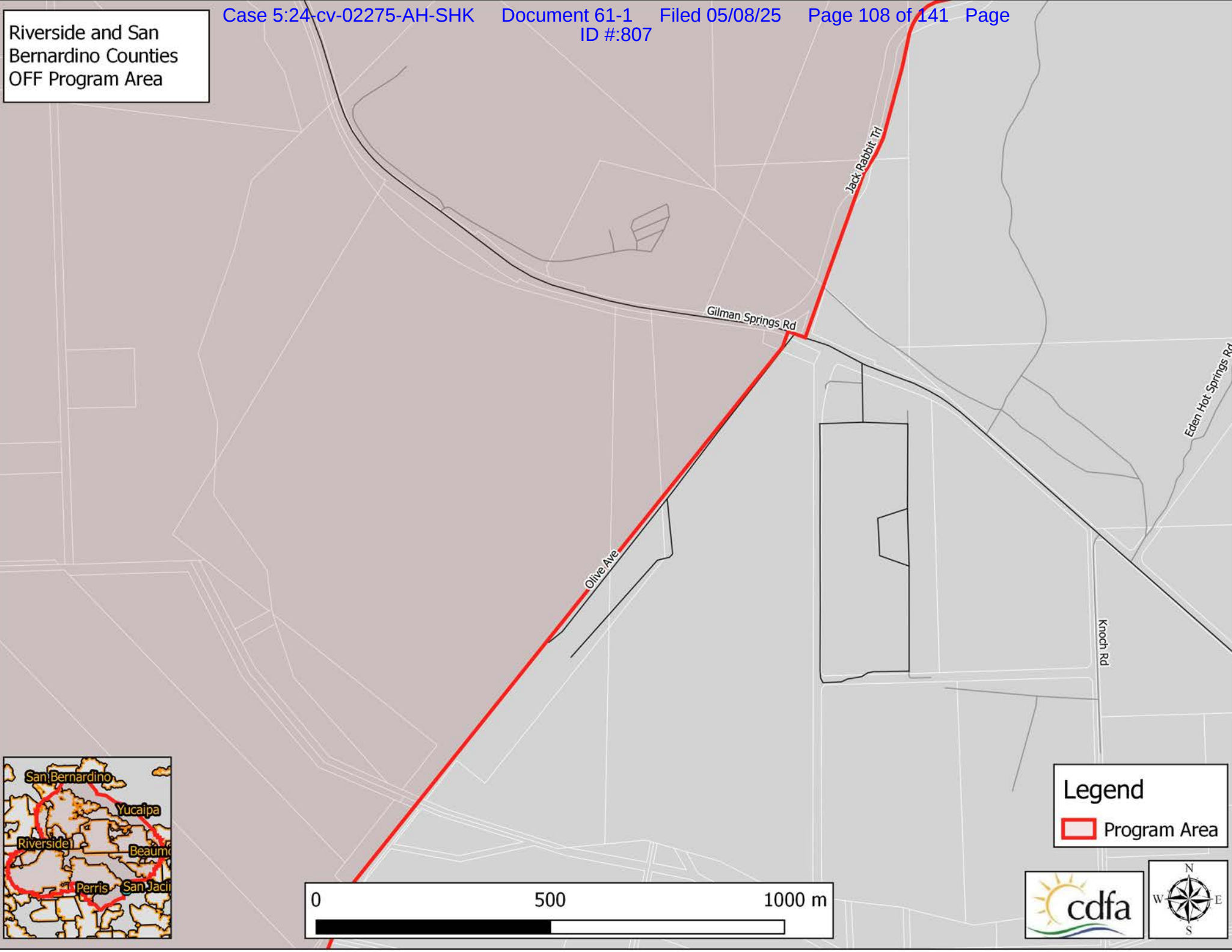
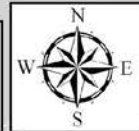


Riverside and San Bernardino Counties
OFF Program Area



Legend

 Program Area

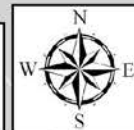


Riverside and San Bernardino Counties
OFF Program Area



Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest

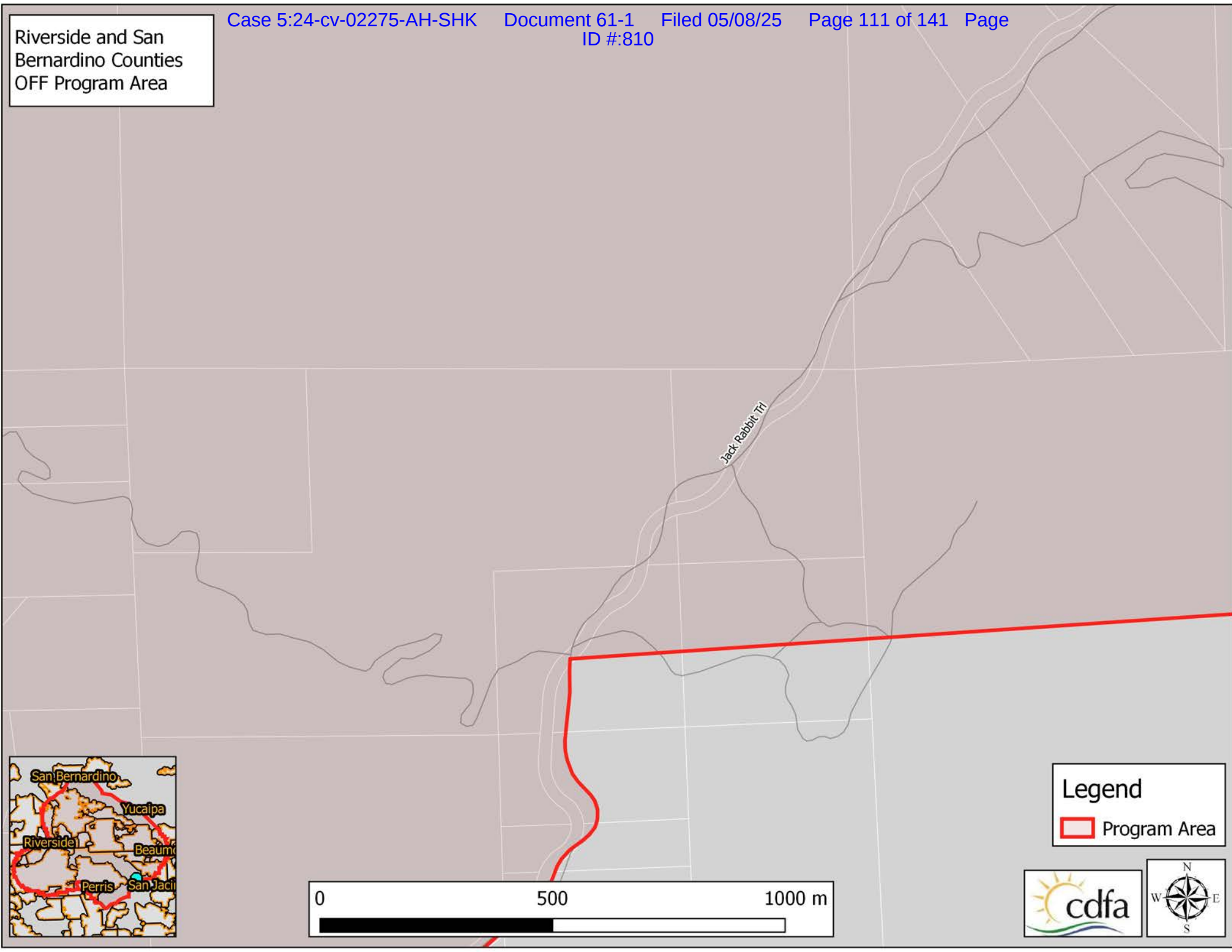


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 Program Area



Riverside and San Bernardino Counties
OFF Program Area

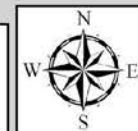


Riverside and San Bernardino Counties
OFF Program Area



Legend

 Program Area



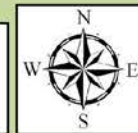
Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest



Legend

 Program Area

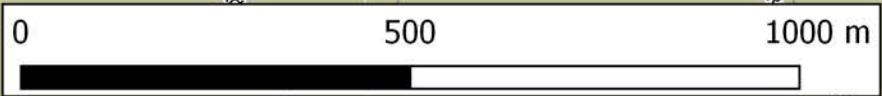
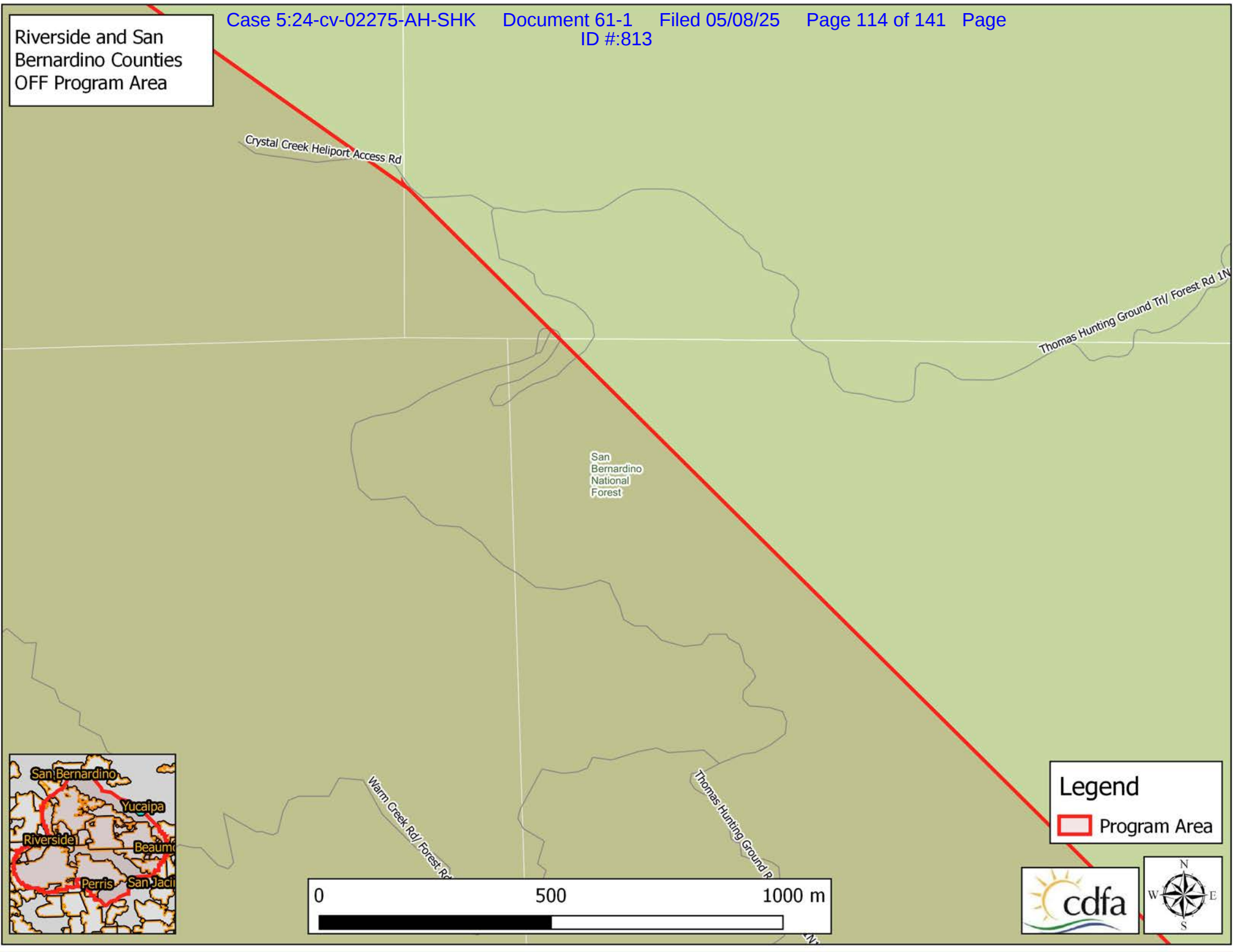


0 500 1000 m



Thomas Hunting Ground Trl./Forest Rd 1N12

Riverside and San Bernardino Counties
OFF Program Area



Legend

 Program Area



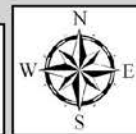
Riverside and San Bernardino Counties
OFF Program Area

Jack Rabbit Trail



Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

Thomas Hunting Ground Trl/ Forest Rd 1N12

San Bernardino
National
Forest



Legend

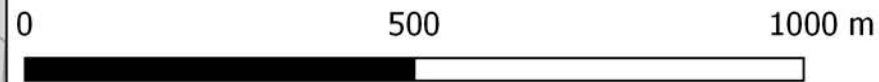
 Program Area



Riverside and San Bernardino Counties
OFF Program Area

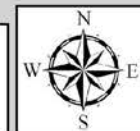


Riverside and San Bernardino Counties
OFF Program Area

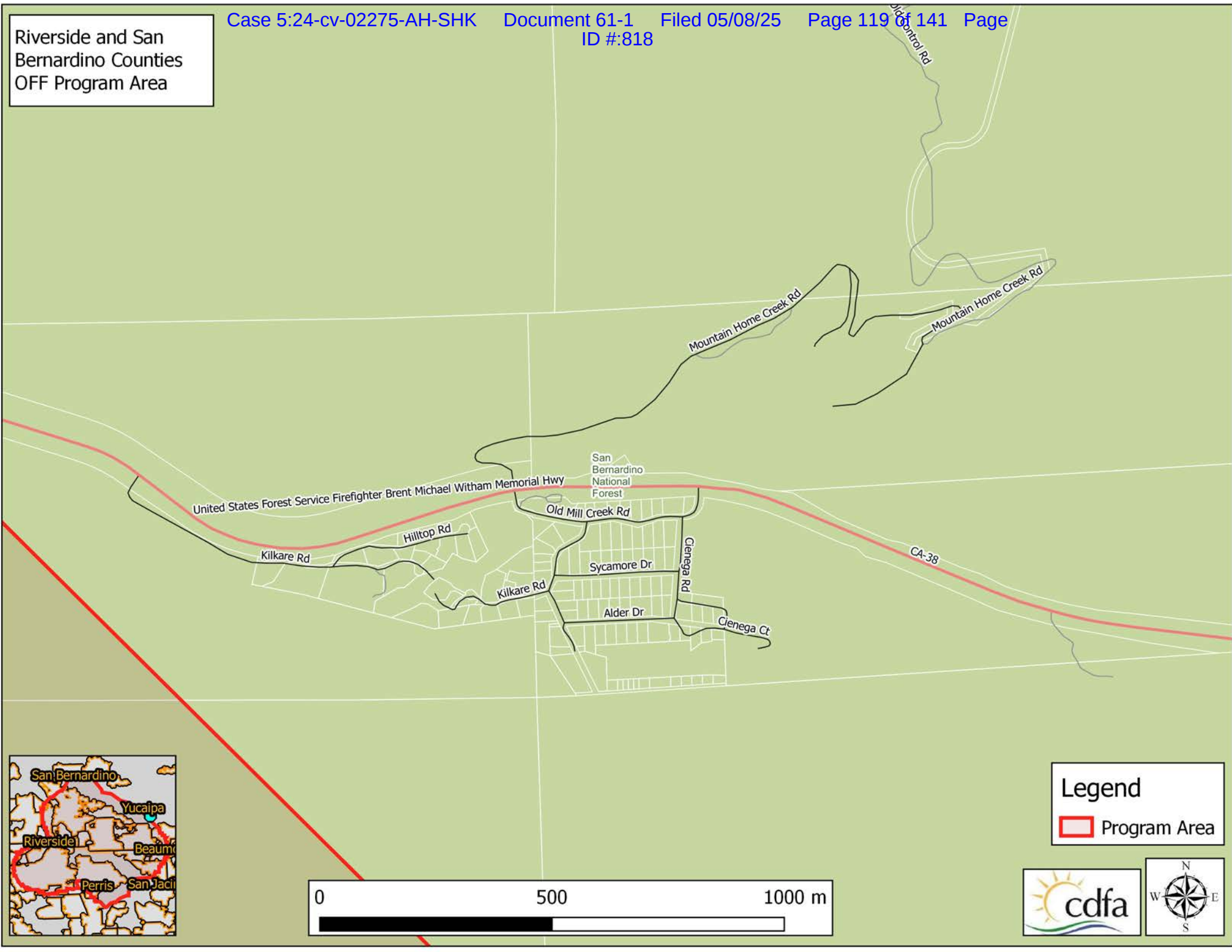


Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest

Yucaipa Ridge Truck Tr

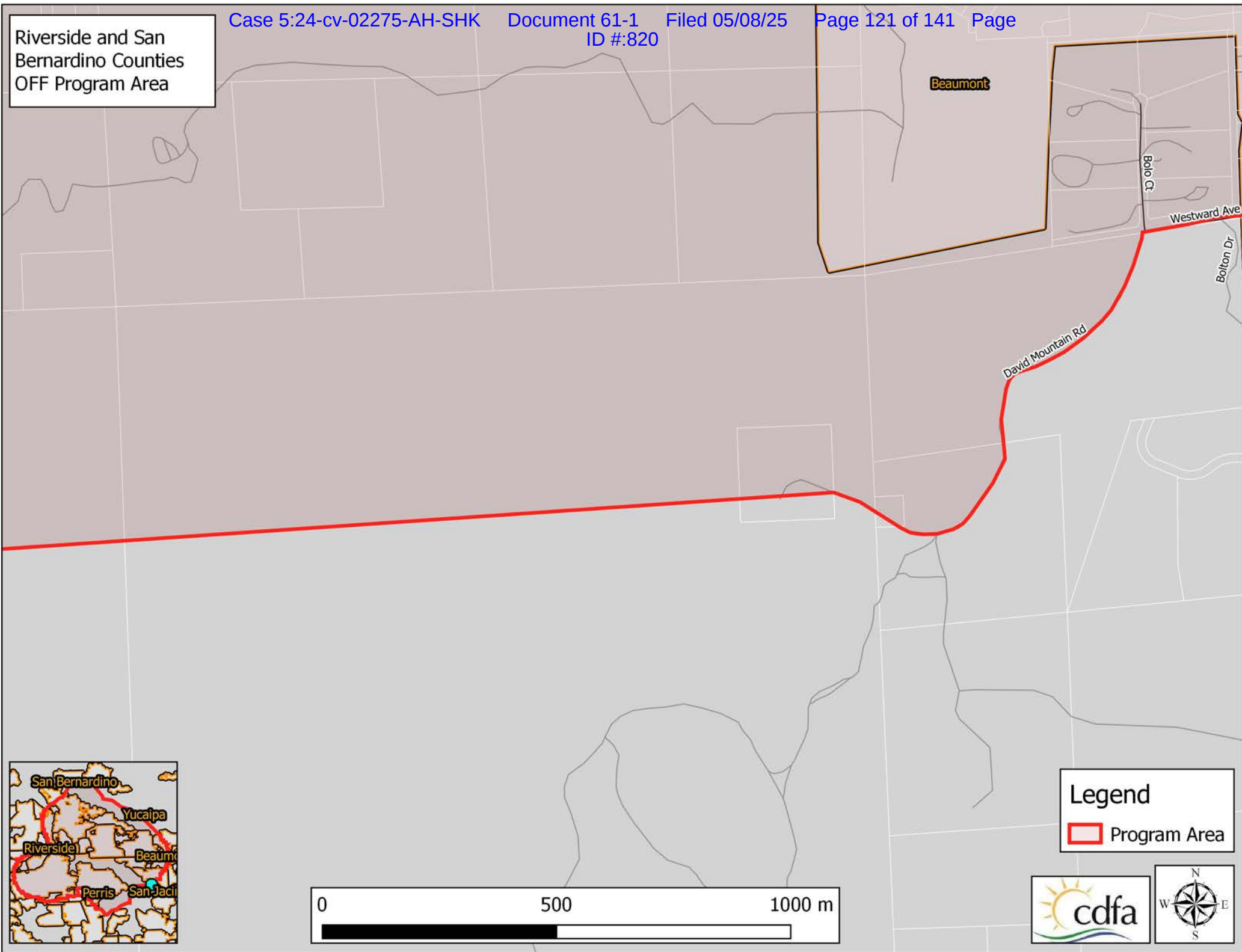


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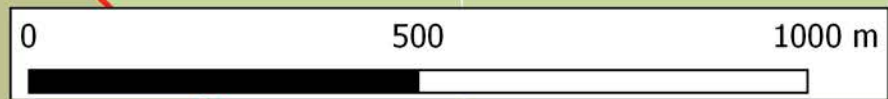
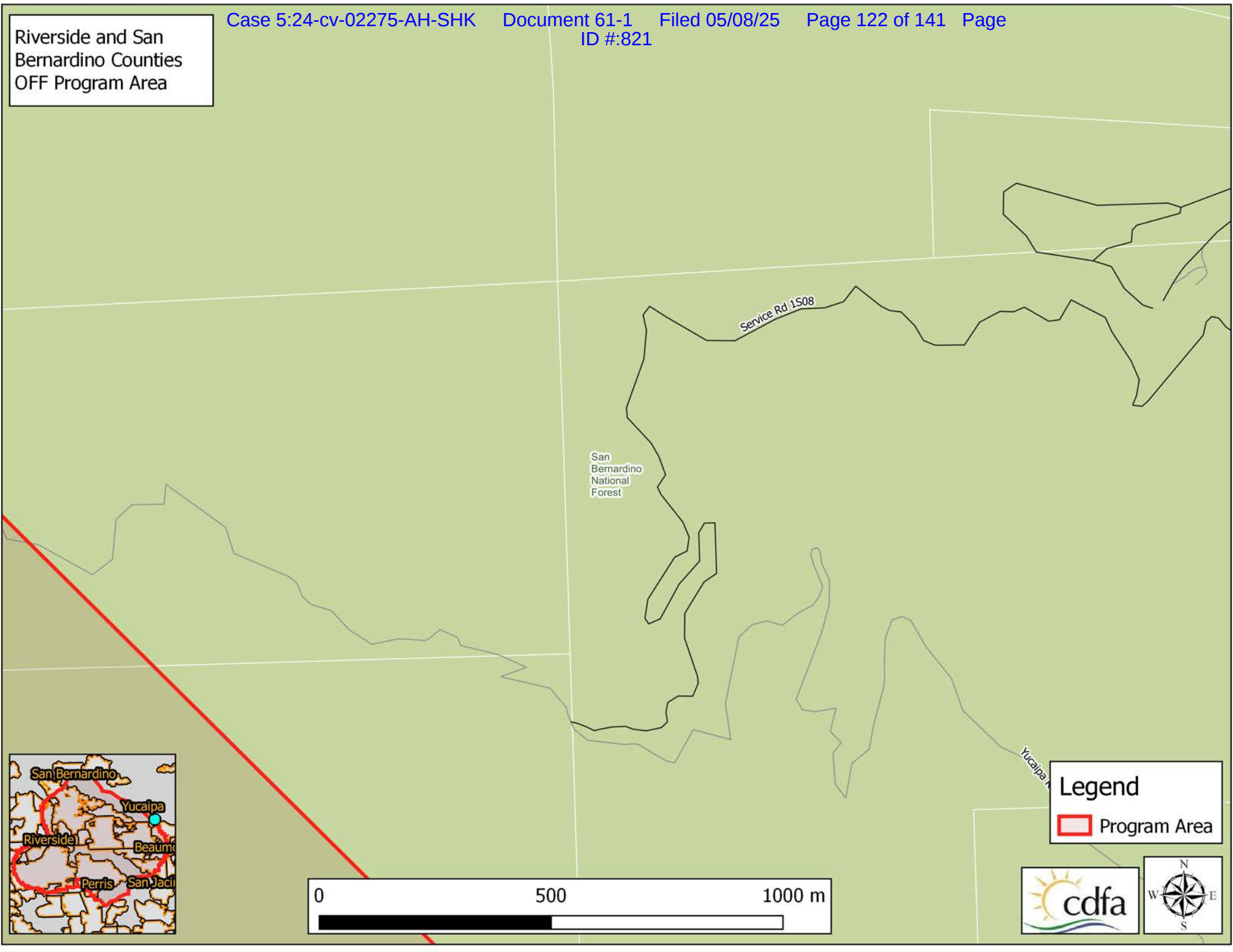
 Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Legend

 Program Area





Riverside and San Bernardino Counties
OFF Program Area

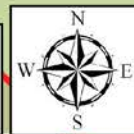
Yucaipa Ridge Truck Trl

San Bernardino
National
Forest

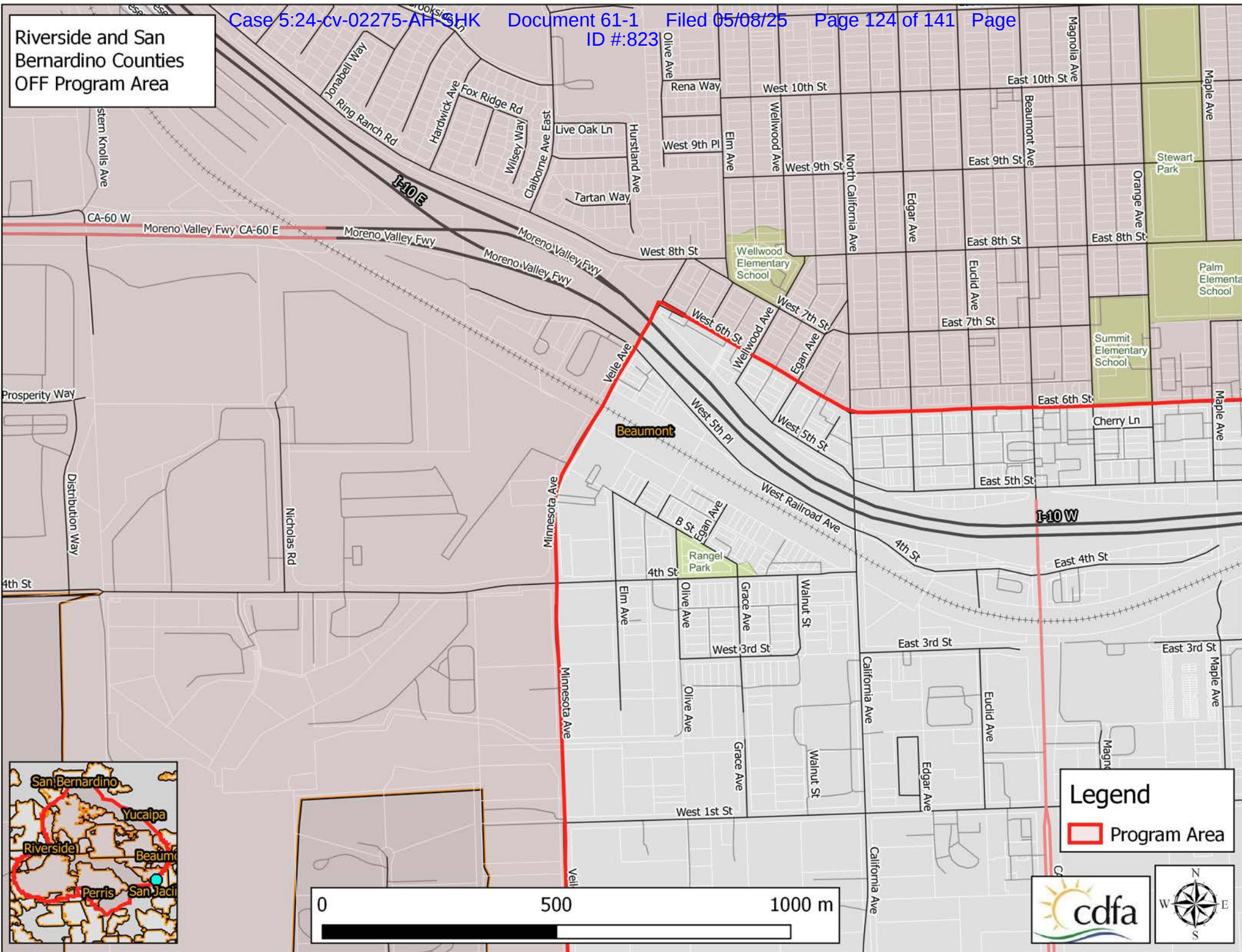


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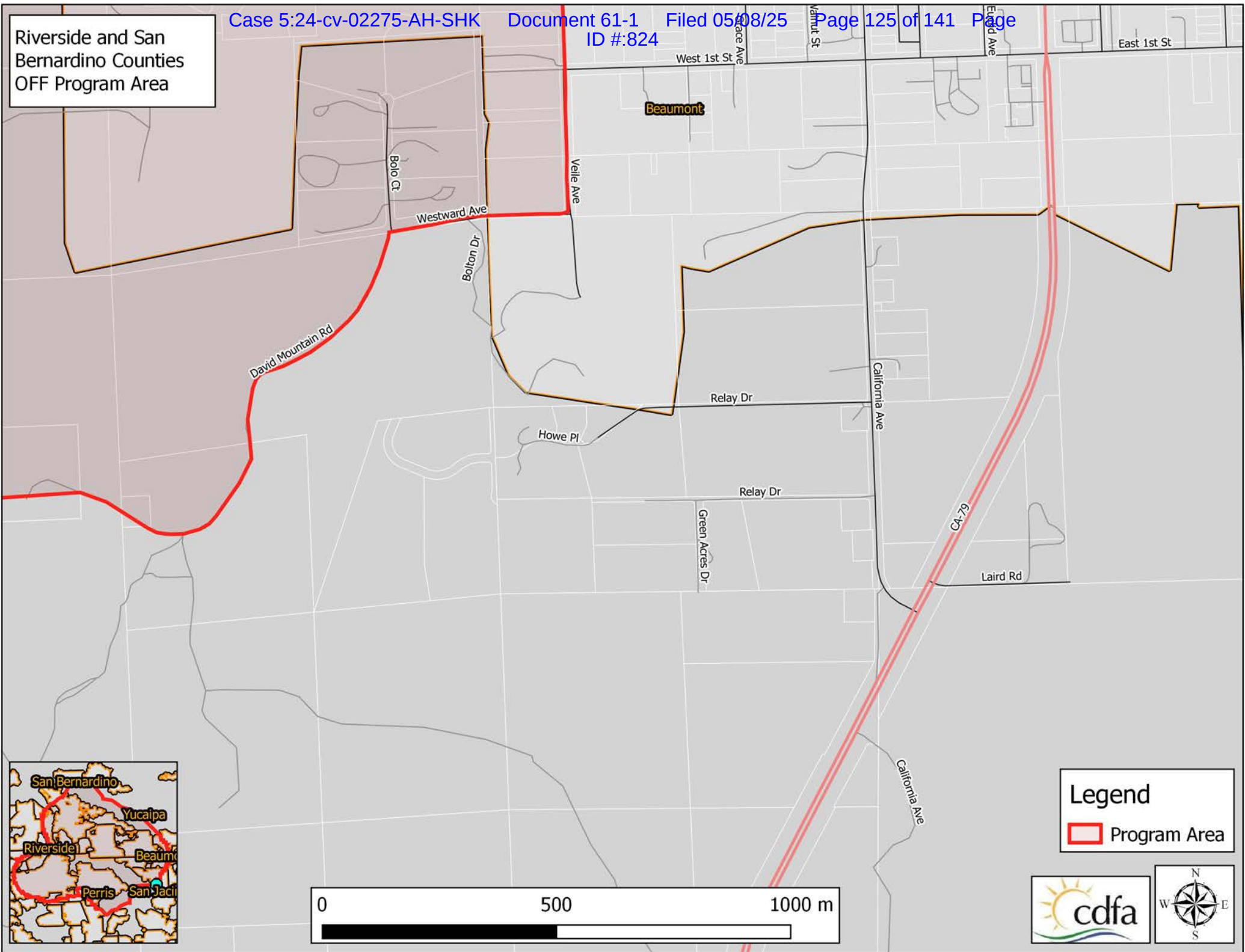
 Program Area



Riverside and San Bernardino Counties
OFF Program Area



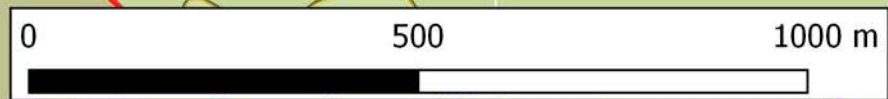
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

Lucas Ridge Truck Trl

San Bernardino National Forest

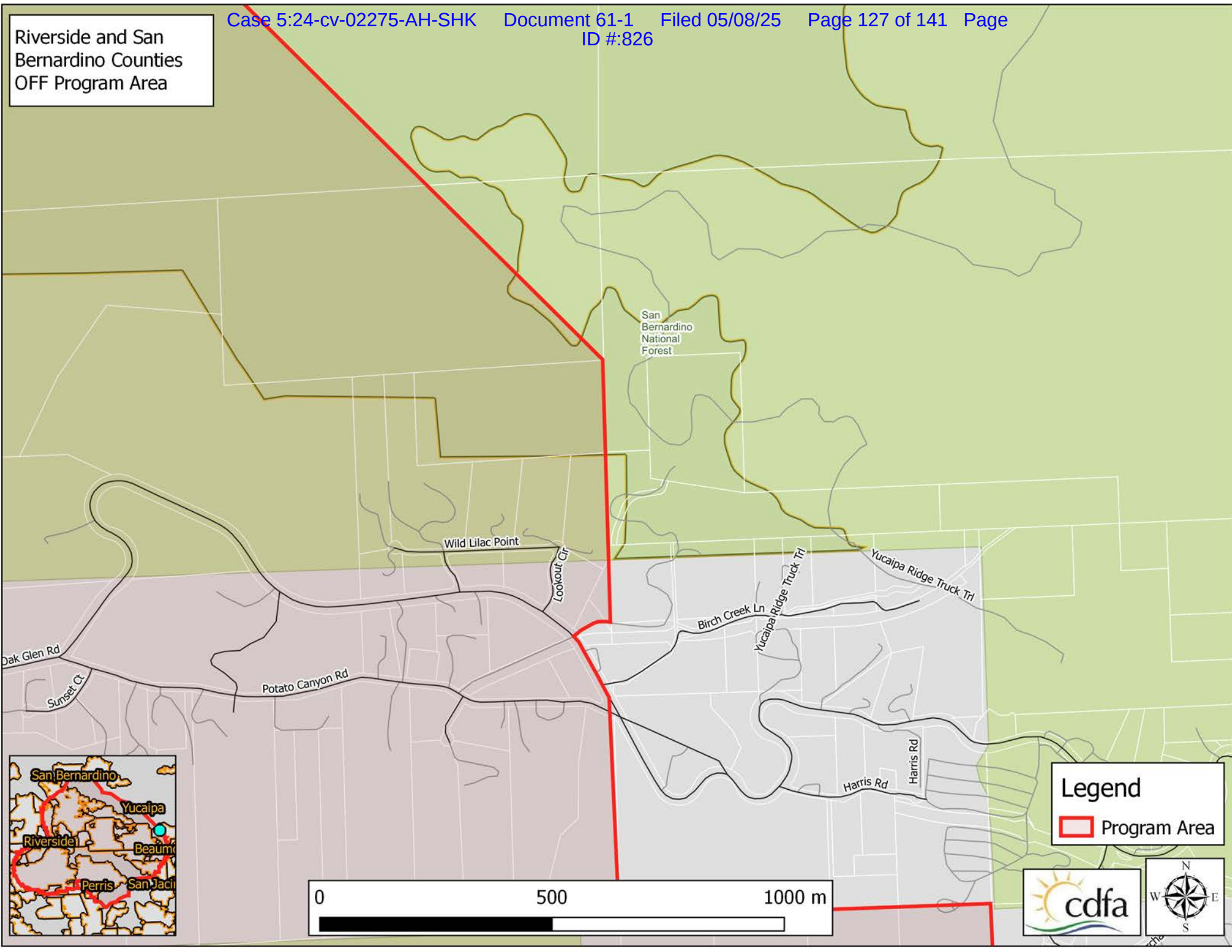


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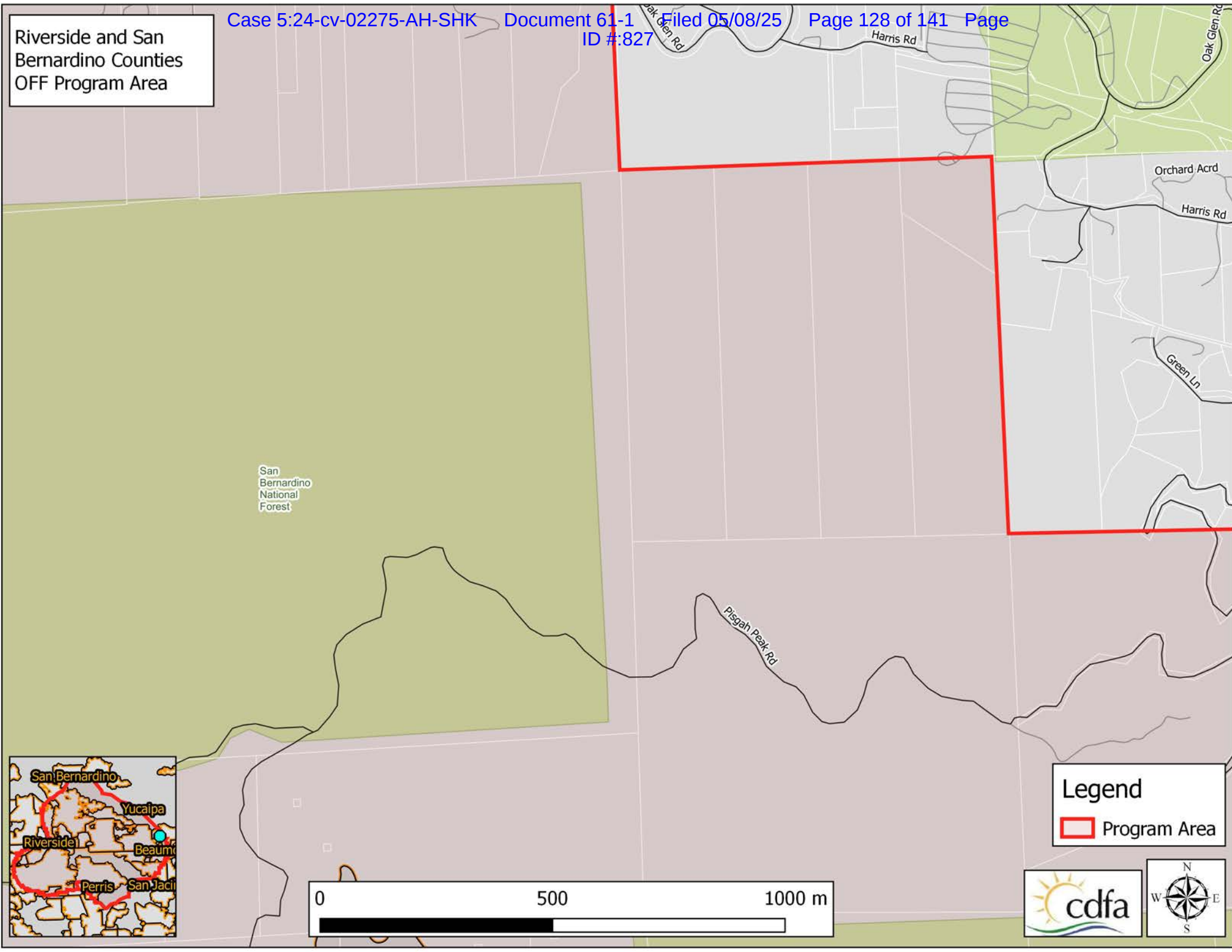
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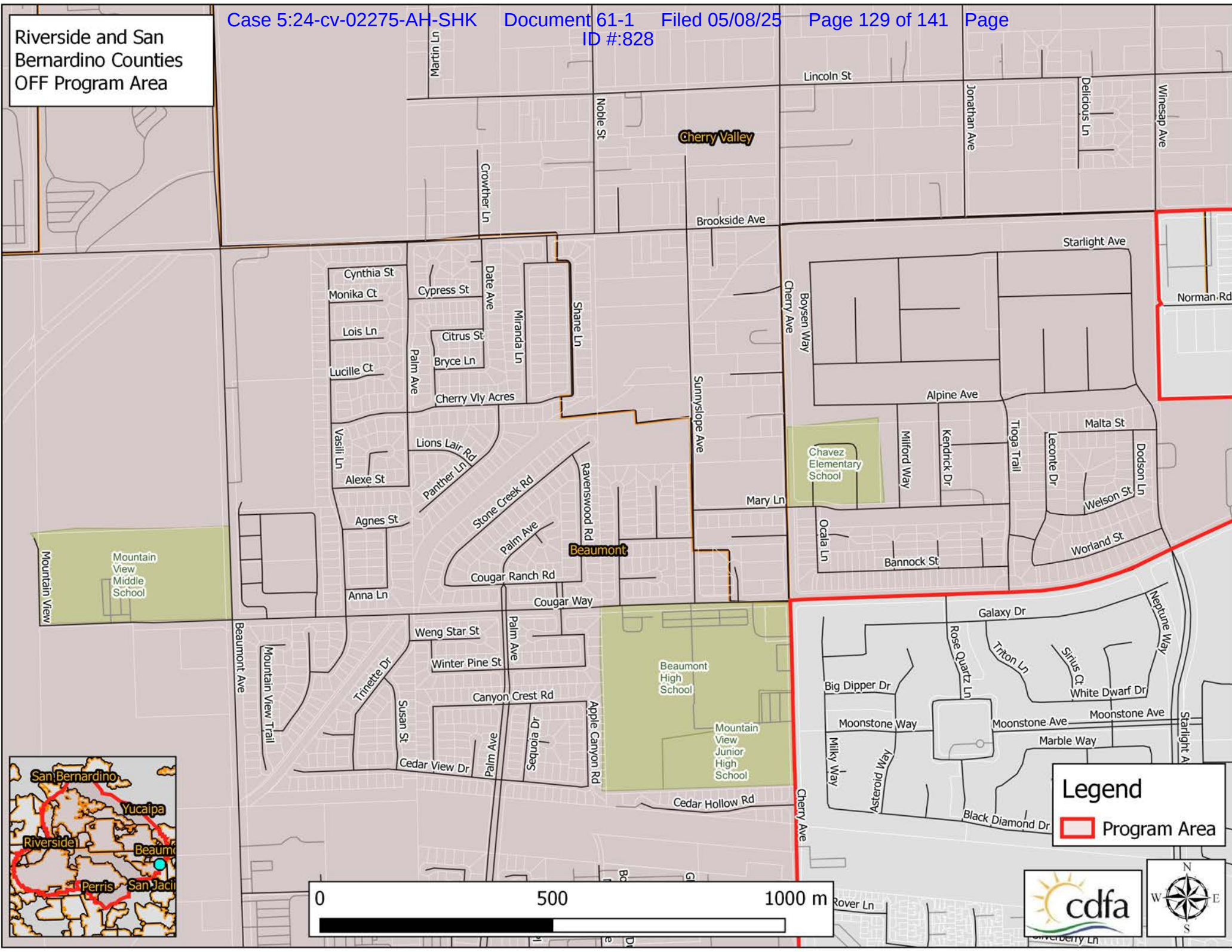
Riverside and San Bernardino Counties
OFF Program Area



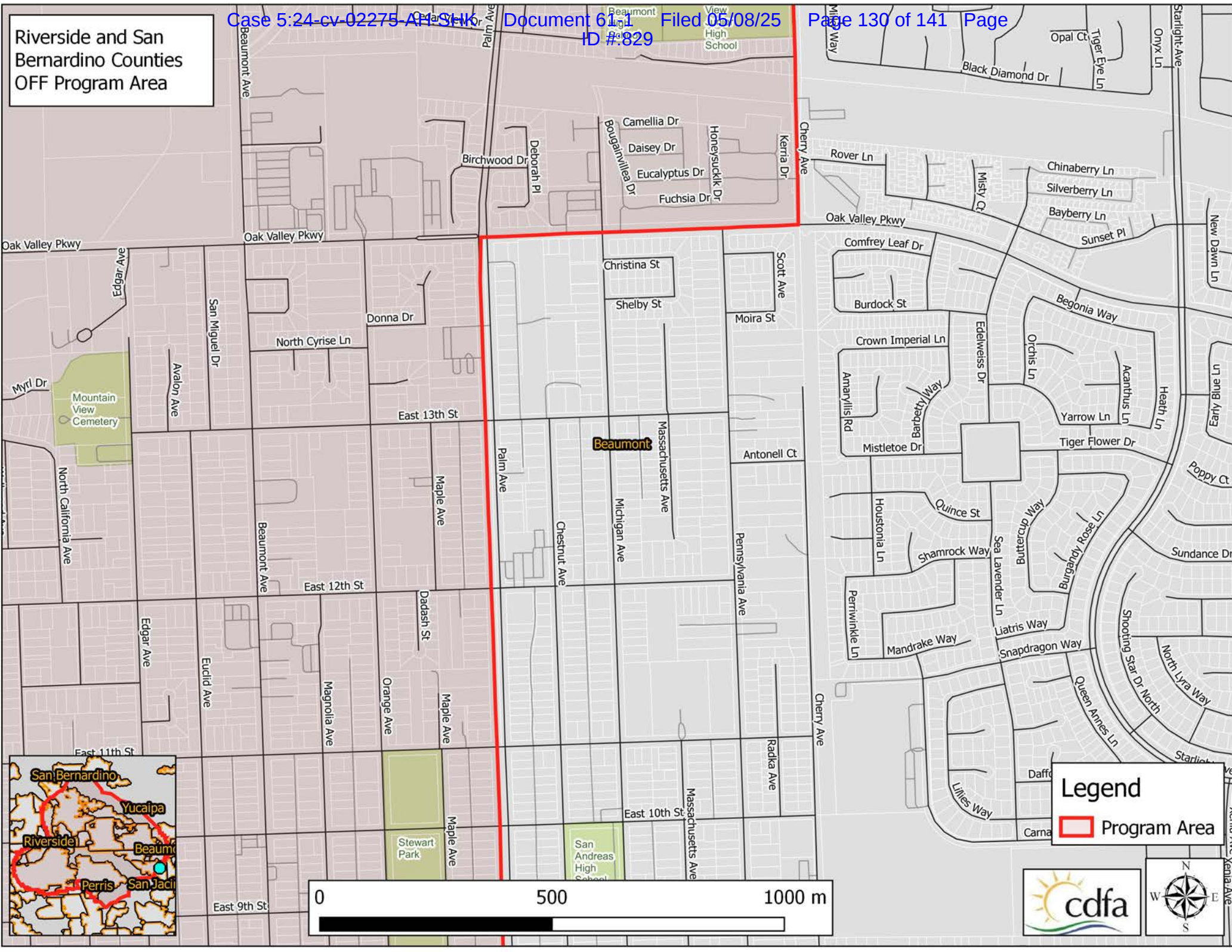
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

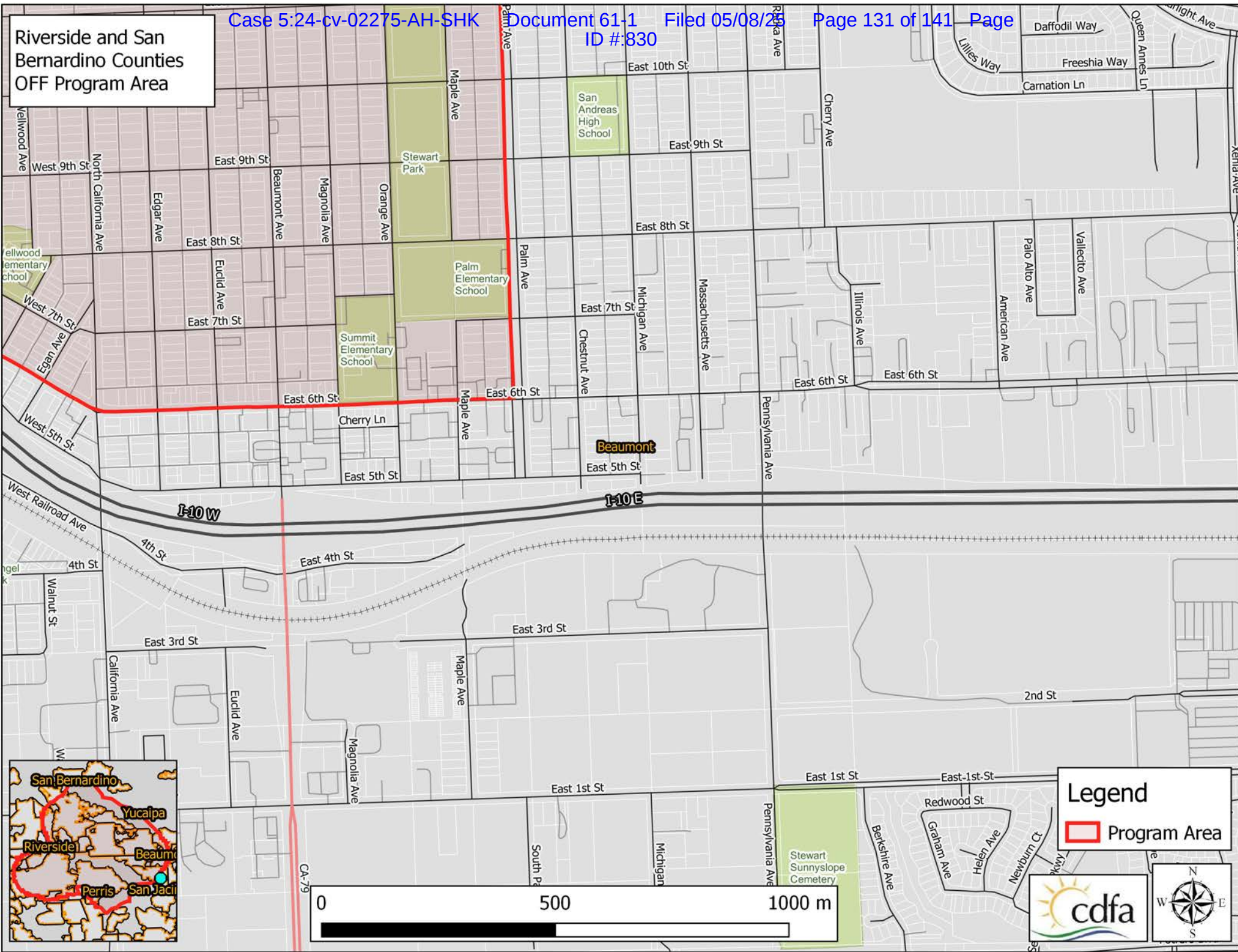


Legend

Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area

San Bernardino
National
Forest

Orchard Acrd

Glen Rd

Sunset Dr

Harris Rd

Clearwater Dr

Oak Ln

Snowline Cir

Pine St

Green Ln

Raspberry Ln

Oak Glen Rd

Pine Bench Rd

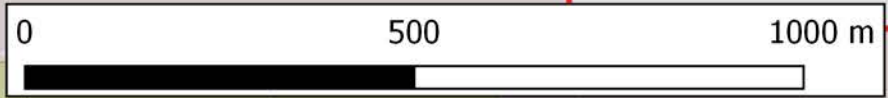
Swedlow Trail

Pisgah Peak Rd



Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

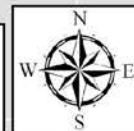
San Bernardino
National
Forest

Cats Claw Trail



Legend

 Program Area



Riverside and San Bernardino Counties
OFF Program Area

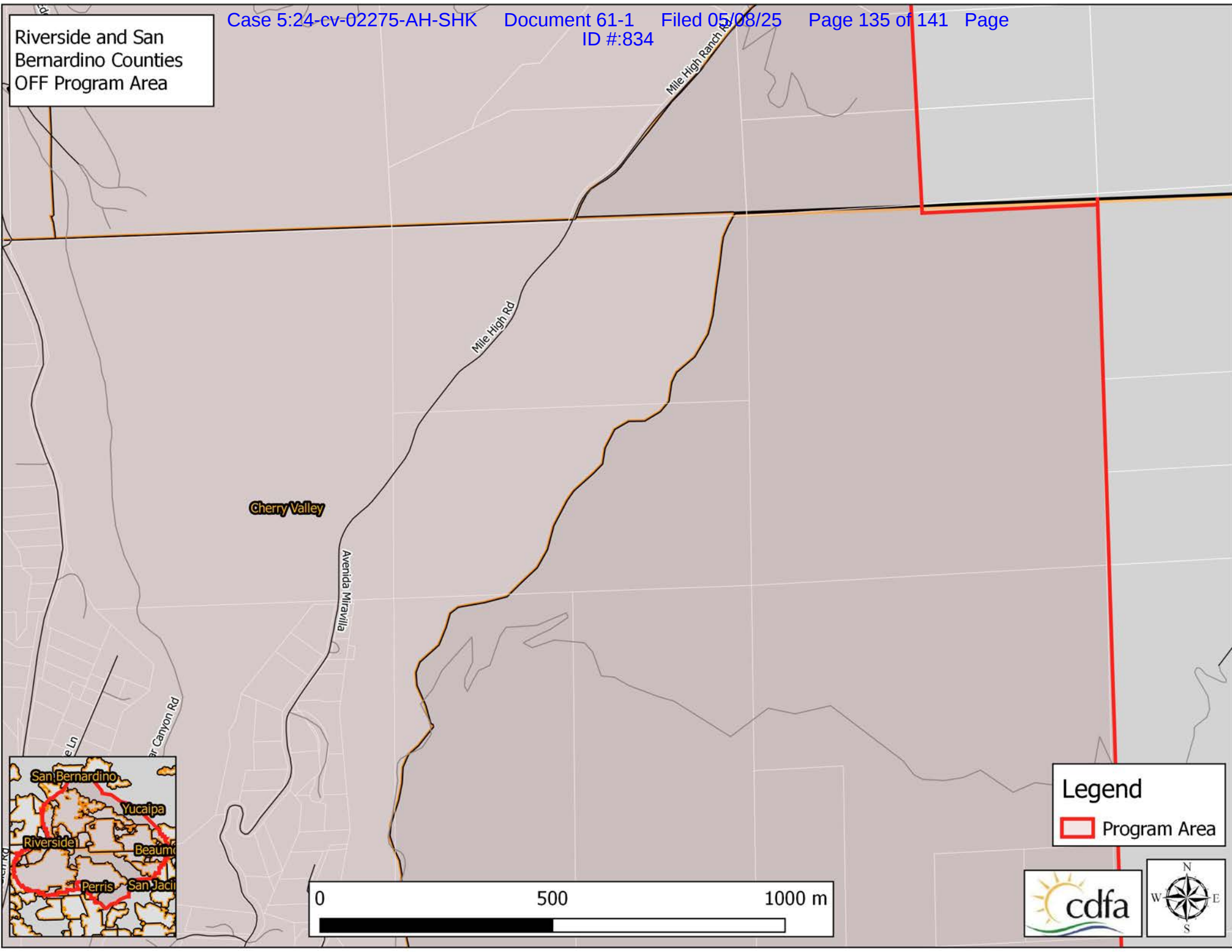


Legend

 Program Area

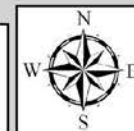


Riverside and San Bernardino Counties
OFF Program Area

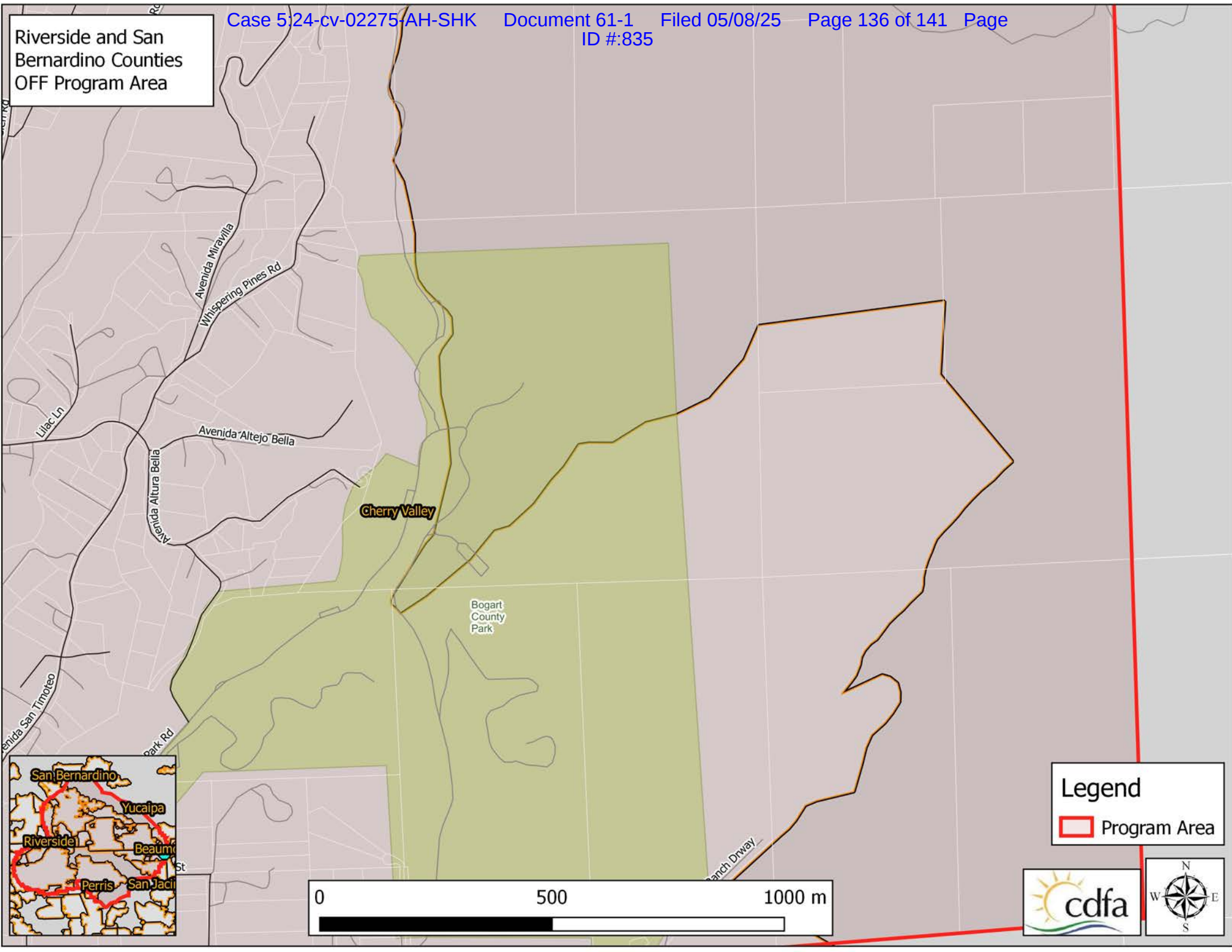


Legend

Program Area



Riverside and San Bernardino Counties
OFF Program Area

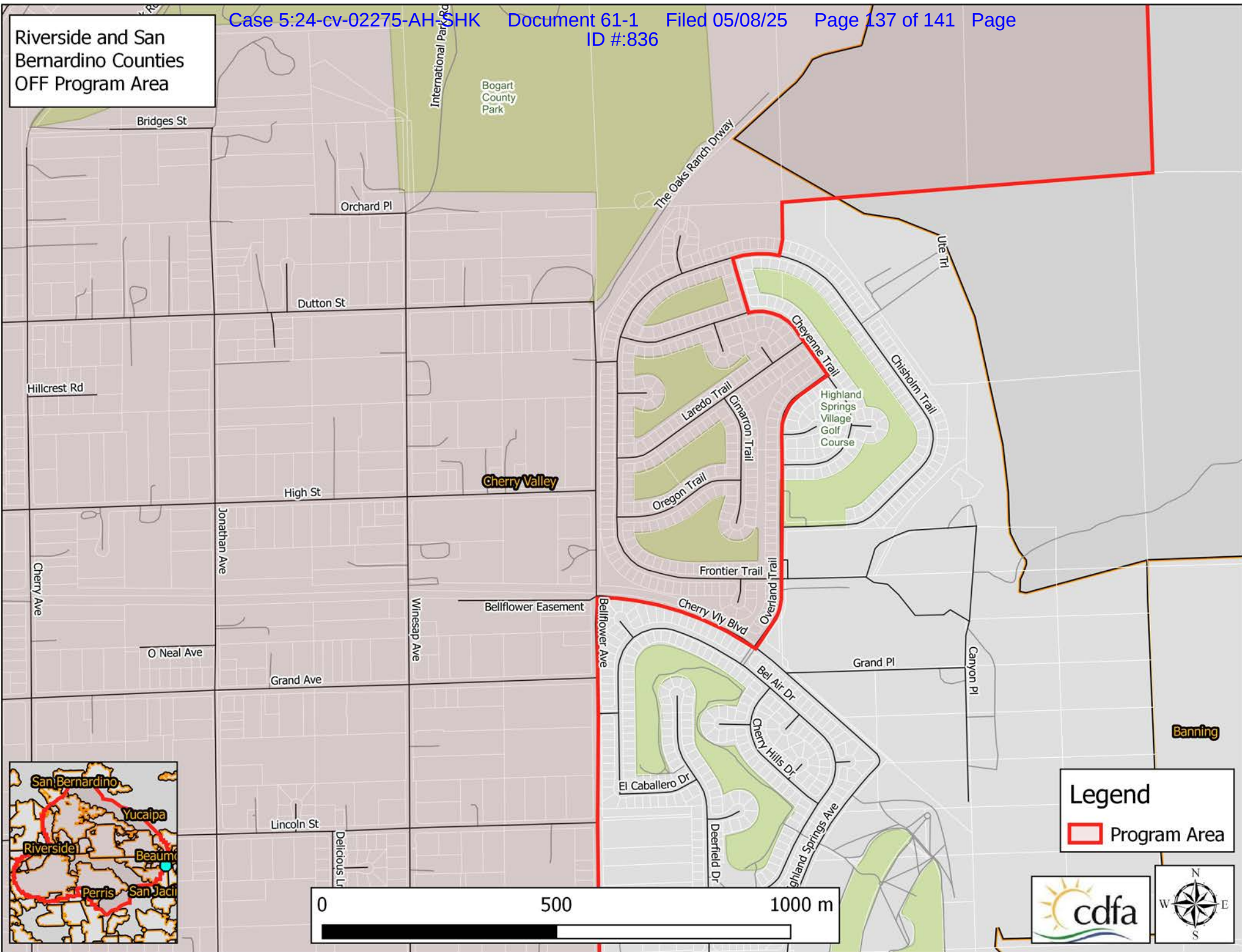


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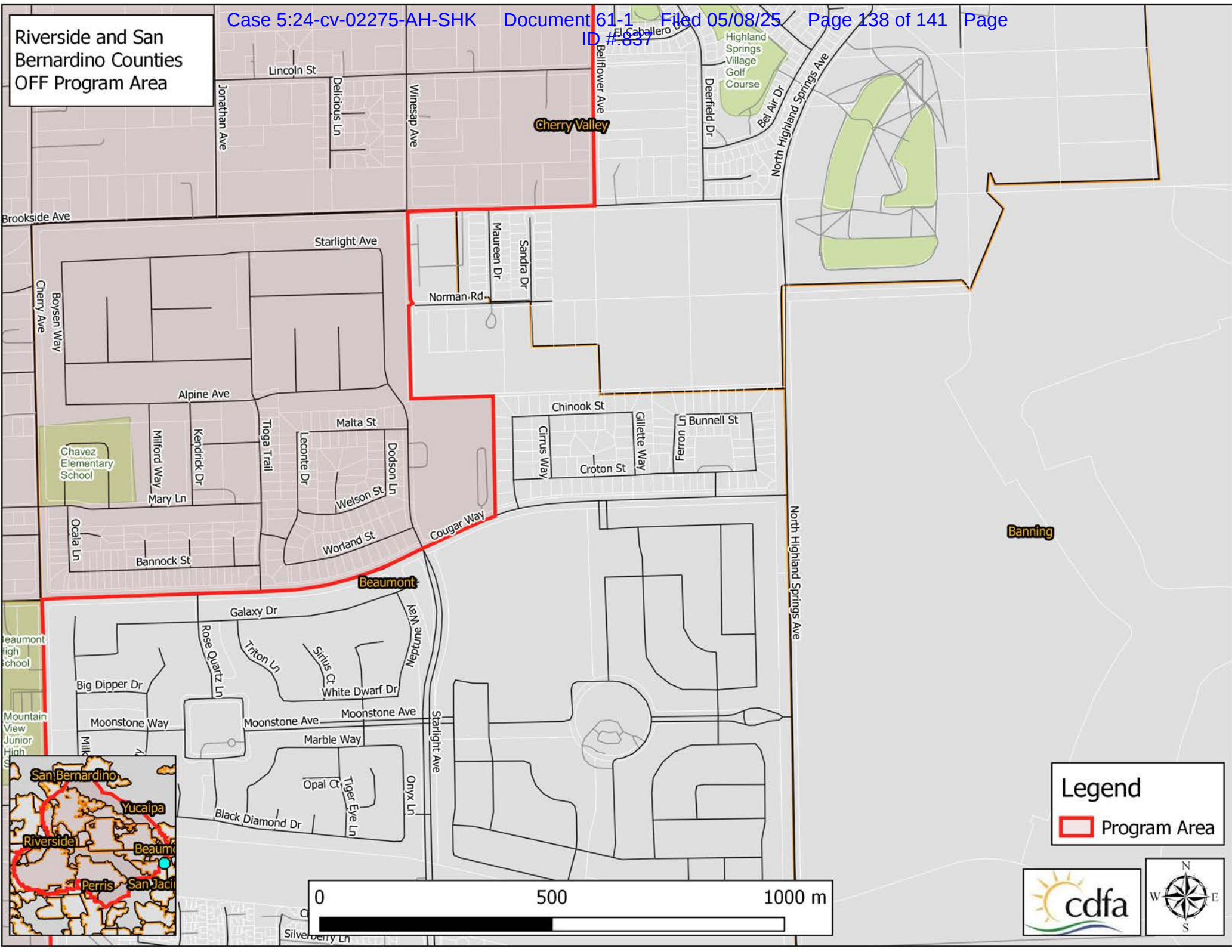
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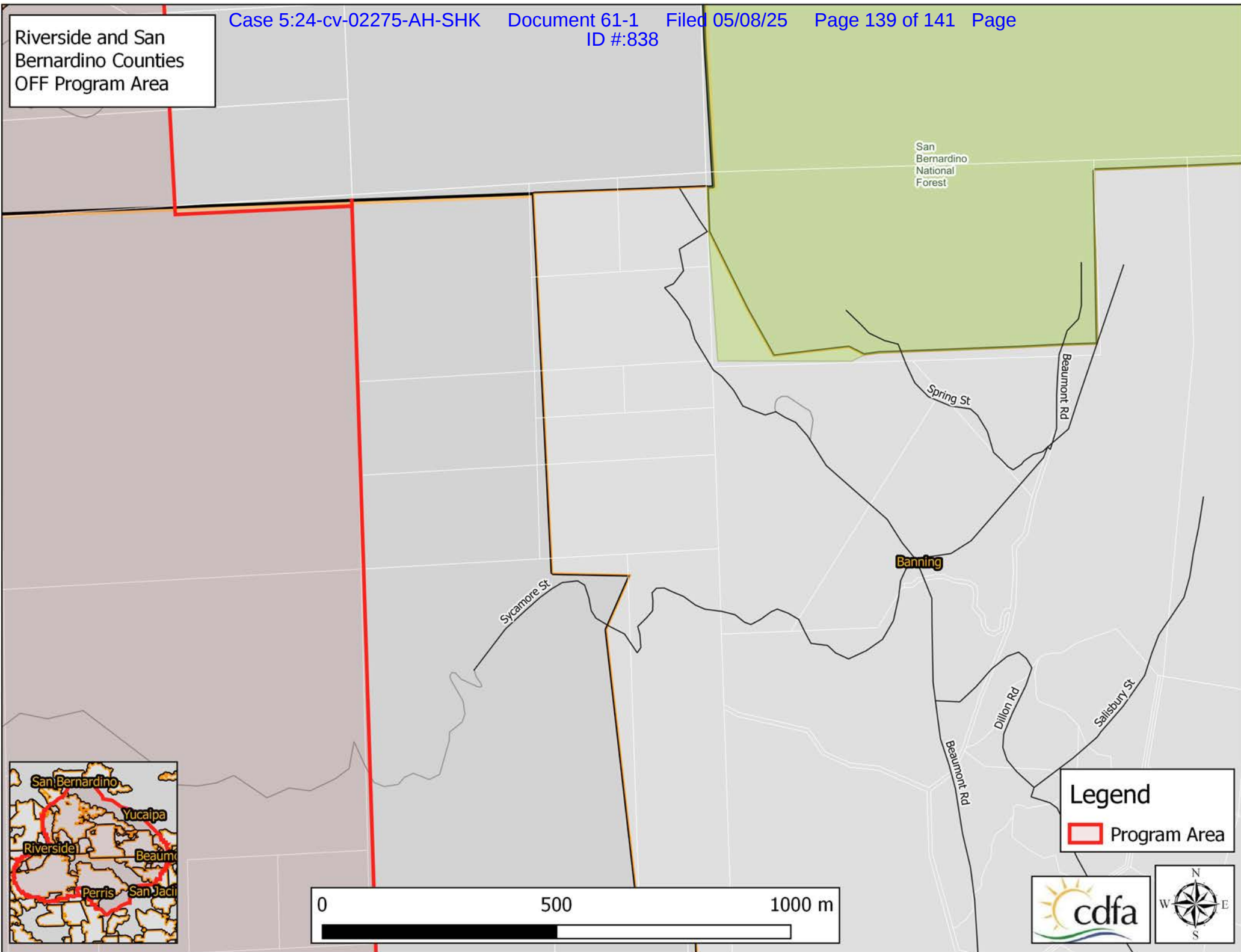
Riverside and San Bernardino Counties
OFF Program Area



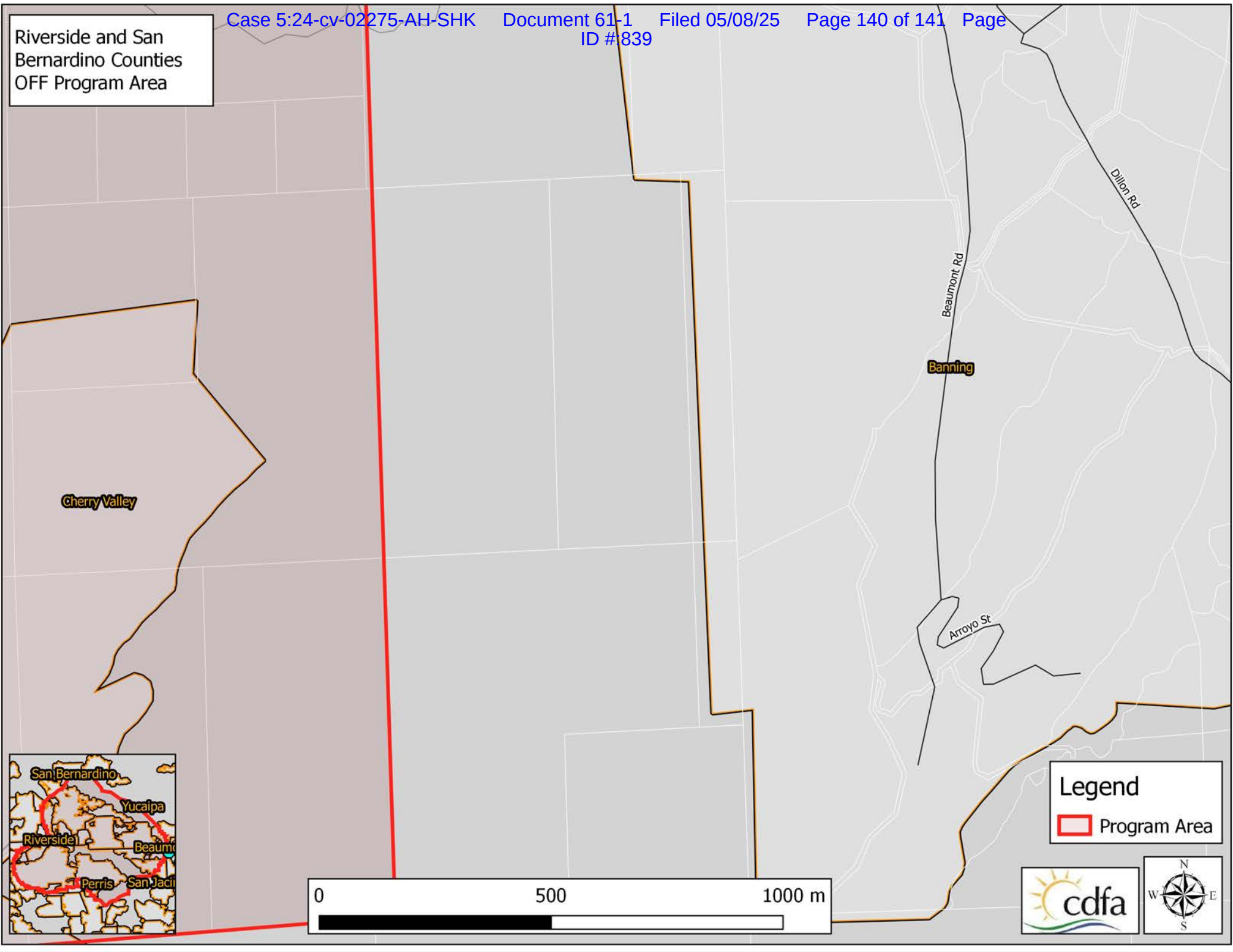
Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Riverside and San Bernardino Counties
OFF Program Area



Cherry Valley

Banning

Beaumont Rd

Dillon Rd

Arroyo St

Legend

Program Area

0 500 1000 m



Riverside and San Bernardino Counties
OFF Program Area

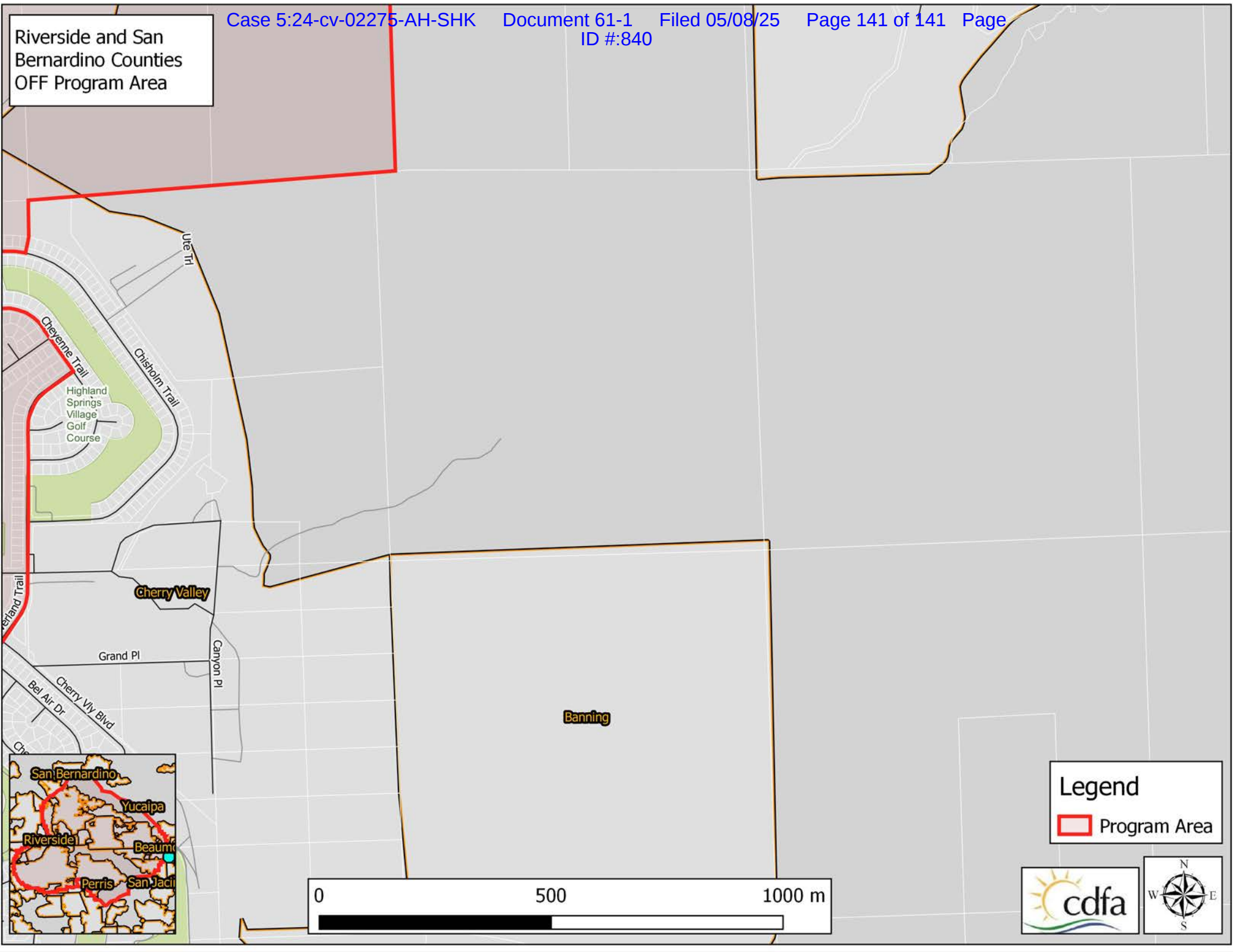


EXHIBIT B

5:24-cv-2275

ORIGINAL

XAVIER BECERRA
Attorney General of California
ERIC M. KATZ
Supervising Deputy Attorney General
CAITLAN MCLOON
Deputy Attorney General
State Bar No. 302798
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6438
Fax: (213) 897-2802
E-mail: Caitlan.McLoon@doj.ca.gov
*Attorneys for Applicant the California Department of Food
and Agriculture*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO CIVIL DIVISION

APR 19 2019

BY Manuel Henry Andriano
MANUEL HENRY ANDRIANO, DEPUTY

[Exempt from Filing Fees
Pursuant to Gov. Code, § 6103]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

IN THE MATTER OF:

**THE APPLICATION OF CALIFORNIA
DEPARTMENT OF FOOD AND
AGRICULTURE, VIRULENT
NEWCASTLE DISEASE
ERADICATION PROJECT, COUNTY
OF SAN BERNARDINO, CALIFORNIA**

Case No. **CIV DS 1911604**

~~[PROPOSED]~~ INSPECTION AND
ABATEMENT WARRANT

[CODE CIV. PROC., § 1822.59; FOOD
& AGR. CODE, §§ 9561, 9562, 9569]

**THE PEOPLE OF THE STATE OF CALIFORNIA TO THE CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE, GOOD CAUSE APPEARING:**

You are hereby commanded to conduct an inspection and take such abatement action as is authorized by the Notice of Required Action Pursuant to Quarantine, attached hereto, issued by the California Department of Food and Agriculture (CDFA) on February 27, 2019, on all properties in San Bernardino County in areas urban in character bounded by the lines designating the Quarantine Region San Bernardino on the map attached hereto. The purpose of this Inspection and Abatement Warrant will be to inspect the exterior areas of places, dwellings, structures, premises or vehicles within the subject properties for any evidence of poultry or other birds that are at risk of exposure to the virulent Newcastle Disease (vND) virus, and to eradicate

1121 2025

1 the disease.

2 Pursuant to Food and Agricultural Code, sections 9561, 9562, and 9569, CDFA is
3 authorized to take such actions within the exterior areas of places, dwellings, structures, premises
4 or vehicles on the subject properties, as may be necessary to eradicate the vND virus, including
5 but not limited to: (i) inspecting for any evidence of birds that may be infected with the vND
6 virus; (ii) conducting physical exams and diagnostic testing on any birds that may be infected by
7 the vND virus; (iii) scheduling and conducting humane euthanasia on any infected birds or any
8 birds that are epidemiologically shown to be associated with the infected birds or any birds in
9 mandatory euthanasia zones; (iv) collecting and safely disposing of any dead birds or birds
10 subject to the euthanasia program; and (v) any other actions specifically identified in the Notice
11 of Required Action Pursuant to Quarantine, attached hereto.

12 This warrant is effective from the date issued through and until December 31, 2019, unless
13 further extended or renewed, and it shall thereafter be returned to the judge whose signature
14 appears below.

15 The inspection and abatement activities authorized herein may commence on the calendar
16 day following the issuance of this warrant, beginning at 8:00 a.m. and ending at 5:00 p.m. on each
17 day, and CDFA is authorized to execute this warrant whether or not the property is occupied at
18 the time of your arrival for execution.

19 Any peace officer is authorized to use such reasonable force as is necessary for CDFA
20 employees or agents to gain entry to the exterior premises and to conduct any and all inspection,
21 abatement and eradication activities authorized by this warrant.

22
23 Dated: April 19, 2019

John P. Vande Feer
JUDGE OF THE SUPERIOR COURT

ATTACHMENTS

1220 N Street
Sacramento, California 95814

Telephone: (916) 900-5002
(909) 947-4462
Facsimile: (916) 900-5333

NOTICE OF REQUIRED ACTION PURSUANT TO QUARANTINE

Applies to: **Owners of all poultry and non-poultry species, and operators of poultry-related businesses in the quarantined region.**

Region: **All of Los Angeles County. That portion of San Bernardino County to the south and west of the boundary delineated by State Highway 58 from the Kern County line to Interstate Highway 15, Interstate Highway 15 from State Highway 58 to State Highway 247, State Highway 247 from Interstate Highway 15 to State Highway 62, State Highway 62 west from State Highway 247 to the Riverside County line. That portion of Riverside County west of the boundary delineated by State Highway 62 from the San Bernardino County line to Interstate Highway 10, Interstate Highway 10 from State Highway 62 to State Highway 86, State Highway 86 from Interstate Highway 10 to the Imperial County line.**

You are hereby notified that the State Veterinarian has imposed a Quarantine pursuant to Food and Agricultural Code, Section 9562 on the following population of animals or animal product:

Description of Population of Animals or Animal Product: **Poultry species including all chickens, turkeys, turkeys, pheasants, peafowl, guinea fowl, quail, ducks, geese, swans, gallinules, doves, pigeons, grouse, partridges, francolin, tinamou, ostriches, and other ratites (including but not limited to the rhea, emu, and cassowary), and hatching or embryonated eggs; poultry products including eggs, manure, feed, carcasses, feathers, used poultry equipment; non-poultry species (all other avian species).**

Present location: **All of Los Angeles County, and those portions of San Bernardino and Riverside Counties as described above.**

Reason for Quarantine: This Quarantine is imposed because the population of animals or animal product described above may be infected with **virulent Newcastle disease virus (VND)**, or may have been exposed to VND and could transmit an illness that could kill or seriously damage other birds, or may be at risk for such exposure.

Required Action: Pursuant to Food and Agricultural Code, Section 9562 and Title 3, California Code of Regulations, Section 1301 *et seq.*, you are required to:

☒ **Hold, Cease, Segregate, Isolate, and Treat** the population of animals or animal product described above from other animals or products no later than **9:00 PM on February 27, 2019**. The method of isolation, segregation, and treatment shall be as specified in **Attachment A: Notice of Virulent Newcastle Disease Regional Quarantine Affecting Bird Owners**, and includes:

- All bird owners shall immediately report any clinical signs suggestive of VND to the Sick Bird Hotline (866-922-2473).
- All commercial/independent/small poultry businesses shall immediately report any clinical signs suggestive of VND and any significant changes to their health and/or production monitoring records as required by CDFA.*
- All bird owners shall allow diagnostic testing of their birds for VND.
- All commercial/independent/small poultry businesses shall test their poultry for VND as required by CDFA.*
- All poultry must be isolated from all non-poultry species.
- All poultry must be confined to a premises in a pen, cage or some other means that prevents poultry from moving off the premises.
- No poultry can move off a premises without prior written permission from CDFA.*
- All commercial/independent/small poultry businesses must receive prior written permission from the CDFA before movements into, within, or out of this region of poultry, poultry products, poultry associated materials or other items that could spread VND (due to contact with poultry, poultry products or poultry associated materials).*
- No movement of any non-poultry species from premises that also house poultry without prior written permission from CDFA.*
- No exhibitions of poultry (including racing pigeons) or non-poultry species without prior written permission from CDFA.*
- No live poultry shall leave any live bird market, pet store, feed store or other retail establishment without prior written permission from CDFA.*
- No shipping, transporting, or receiving live poultry or poultry hatching eggs out of or into this regional quarantine area without prior written permission from CDFA.* This includes shipments via the United States Postal Service, private package shipping companies or similar methods.
- All commercial/independent/small poultry businesses shall enhance their biosecurity as required by CDFA.*
- All retail establishments selling poultry feed shall enhance their biosecurity as required by CDFA.*

*For more information about movement restrictions, biosecurity and testing requirements, please call 866-922-2473 or email SFSPermits@cdfa.ca.gov.

The State Veterinarian may modify the action(s) required in this Notice. Failure to comply with this Notice of Required Action is a violation of Title 3, California Code of Regulations, Section 1301.8 and will result in the Department of Food and Agriculture pursuing appropriate remedies, including but not limited to law enforcement involvement, and may interfere with your receiving indemnity payments to which you might be entitled.

Notice issued by: (A Jones – signature on file) Title: State Veterinarian Date: **February 27, 2019** Time: **9:00 PM**

YOUR APPEAL RIGHTS: You may appeal the imposition of the Quarantine in an informal hearing process, pursuant to Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code and Title 3, California Code of Regulations, Section 1301.2 and 1301.3, by contacting the **State Veterinarian** at cdfa.qna@cdfa.ca.gov and requesting an informal hearing. Due to the immediate need to contain this outbreak, YOUR REQUEST FOR A HEARING MUST BE RECEIVED NO LATER THAN 9:00 PM ON FEBRUARY 28, 2019.

#REGIONAL-ON-VND1

**Notice of Virulent Newcastle Disease Regional Quarantine
Affecting Bird Owners: Effective 9:00 P.M. February 27, 2019**

Virulent Newcastle Disease (VND), a severe disease in poultry, has been found in backyard and commercial/independent/small poultry businesses in Southern California. The California Department of Food and Agriculture (CDFA) and the United States Department of Agriculture is actively engaged in eradicating the disease. To prevent on-going spread of VND, the State Veterinarian has imposed a Quarantine, pursuant to Food and Agricultural Code, Section 9562, on the owners of all poultry, poultry products, associated poultry materials and non-poultry species in **all of Los Angeles County and specified sections of San Bernardino and Riverside Counties.**

Quarantine Boundaries: All of Los Angeles County. That portion of San Bernardino County to the south and west of the boundary delineated by State Highway 58 from the Kern County line to Interstate Highway 15, Interstate Highway 15 from State Highway 58 to State Highway 247, State Highway 247 from Interstate Highway 15 to State Highway 62, State Highway 62 west from State Highway 247 to the Riverside County line. That portion of Riverside County west of the boundary delineated by State Highway 62 from the San Bernardino County line to Interstate Highway 10, Interstate Highway 10 from State Highway 62 to State Highway 86, State Highway 86 from Interstate Highway 10 to the Imperial County line. See quarantine map at: www.cdfa.ca.gov/go/vnd.

Required Actions: (Pursuant to Food and Agricultural Code 9562 and Title 3 California Code of Regulations, Section 1301 *et seq*) you are required to:

1. Report:

- a) All bird owners shall immediately report any clinical signs suggestive of VND to the Sick Bird Hotline (866-922-2473).
- b) All commercial/independent/small poultry businesses shall immediately report any clinical signs suggestive of VND and any significant changes to their health and/or production monitoring records as required by CDFA.*

2. Test:

- a) All bird owners shall allow diagnostic testing of their birds for VND.
- b) All commercial/independent/small poultry businesses shall test their poultry for VND as required by CDFA.*

3. Isolate:

- a) All poultry must be isolated from all non-poultry species.
- b) All poultry must be confined to a premises in a pen, cage or some other means that prevents poultry from moving off the premises.
- c) No poultry can move off a premises without prior written permission from CDFA.*
- d) All commercial/independent/small poultry businesses must receive prior written permission from the CDFA before movements into, within, or out of this region of poultry, poultry products, poultry associated materials or other items that could spread VND (due to contact with poultry, poultry products or poultry associated materials).*
- e) No movement of any non-poultry species from premises that also house poultry without prior written permission from CDFA.*

4. Cease:

- a) No exhibitions of poultry (including racing pigeons) or non-poultry species without prior written permission from CDFA.*
- b) No live poultry shall leave any live bird market, pet store, feed store or other retail establishment without prior written permission from CDFA.*
- c) No shipping, transporting, or receiving live poultry or poultry hatching eggs out of or into this regional quarantine area without prior written permission from CDFA.* This includes shipments via the United States Postal Service, private package shipping companies or similar methods.

5. Enhance Biosecurity:

- a) All commercial/independent/small poultry businesses shall enhance their biosecurity as required by CDFA.*
- b) All retail establishments selling poultry feed shall enhance their biosecurity as required by CDFA.*

***For more information about movement restrictions, biosecurity and testing requirements, please call 866-922-2473 or email SFSPermits@cdfa.ca.gov.**

Definitions:

Poultry: Including all chickens, turkeys, turkins, pheasants, peafowl, guinea fowl, quail, ducks, geese, swans, gallinules, doves, pigeons, grouse, partridges, francolin, tinamou, ostriches, and other ratites (including but not limited to the rhea, emu, and cassowary), and hatching or embryonated eggs.

Poultry Products: Eggs, manure, feed, carcasses, feathers, used poultry equipment.

Non-poultry species: All other avian species.

Owner: Owners of all poultry and non-poultry species, and operators of poultry-related businesses in the quarantined region.

Exhibition: Any event, gathering or activity where live poultry from various sources are brought together for public display, competitive or non-competitive showing, racing, fighting or trade at venues that include, but are not limited to auctions, bird shows, fair exhibits, swap meets, flea markets, poultry sporting events and at individual residences.

VND Clinical Signs: <https://www.cdfa.ca.gov/go/signsofVND>

- General Appearance- **swelling around the eyes & neck, twisted head & neck**, circling, complete paralysis, muscle tremors, drooping wings
- Respiratory-**gasping for air**, nasal discharge, coughing, sneezing
- Digestive- **greenish, watery diarrhea**
- Egg Production- medium to big drop in production, thin-shelled eggs
- Death- increased death loss in flock, **sudden death**

Violations: Failure to comply with the requirements of this Quarantine Notice may result in a fine (FAC 9166). If the violation causes VND to spread beyond the quarantine boundaries, the violator may be civilly liable for an amount not to exceed \$25,000 for each act that constitutes a violation (FAC 9574).

Appeal Rights: The owner may appeal the imposition of the quarantine and request an informal hearing pursuant to Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code and Title 3, California Code of Regulations, Section 1301.2 and 1301.3. You may appeal by contacting the State Veterinarian at cdfa.gna@cdfa.ca.gov and requesting an informal hearing. Due to the immediate need to contain this outbreak, **YOUR REQUEST FOR A HEARING MUST BE RECEIVED NO LATER THAN 9:00 P.M. ON FEBRUARY 28, 2019.**

