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6 Attorneys for Plaintiffs

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9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA

12 ALLIED CONCRETE AND SUPPLY
 CO., a California corporation, *et al.*,
 13 Plaintiffs,
 14 v.
 15 EDMUND GERALD BROWN JR., in
 16 his official capacity as the Governor of
 the State of California, *et al.*,
 17 Defendants.

Case No.: 2:16-cv-04830-RGK (FFM)

PERMANENT INJUNCTION AND FINAL JUDGMENT

Judge: Hon. R. Gary Klausner
 Courtroom: 850

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 20 On December 2, 2016, this Court issued its Order re: Defendants' Motion to
 21 Dismiss (DE 39), in which it dismissed the Second Claim for Relief for Preemption
 22 alleged in Plaintiffs' Complaint (ECF No. 1), but declined to dismiss Plaintiffs' First
 23 Claim for Relief for Equal Protection. *See* ECF No. 79. On March 6, 2017, this
 24 Court issued its Order Re: Plaintiffs' Motion for Summary Judgment and for a
 25 Permanent Injunction (DE 86), in which it granted summary judgment in favor of
 26 Plaintiffs on the First Claim for Relief alleged in Plaintiffs' Complaint (ECF No. 1)
 27 and granted Plaintiffs' request for a permanent injunction. *See* ECF No. 98.

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1 For the reasons detailed in those orders, IT IS HEREBY ORDERED AND
2 ADJUDGED that:

- 3 1. Judgment is entered in favor of Defendants Christine Baker, Director
4 of the Department of Industrial Relations of the State of California,
5 and Julie Su, Labor Commissioner for the State of California
6 (collectively, "Defendants"), and against Plaintiffs Allied Concrete and
7 Supply Co., CalPortland Company, Gary Bale Redi-Mix Concrete,
8 Inc., Holliday Rock Co., Inc., National Ready Mixed Concrete Co.,
9 Robertson's Ready Mix, Ltd., Spragues' Rock and Sand Company,
10 and Superior Ready Mix Concrete L.P. (collectively, "Plaintiffs") on
11 the Second Claim for Relief alleged in Plaintiffs' Complaint (ECF
12 No. 1);
- 13 2. Judgment is entered in favor of Plaintiffs and against Defendants on
14 the First Claim for Relief alleged in Plaintiffs' Complaint (ECF No. 1);
- 15 3. California Labor Code Section 1720.9 violates the Equal Protection
16 Clause of the Constitution of the United States under the Fourteenth
17 Amendment and enforced through 42 U.S.C. § 1983;
- 18 4. California Labor Code Section 1720.9 is unconstitutional as applied to
19 Plaintiffs and all those similarly situated, including other suppliers,
20 haulers, and deliverers of ready-mixed concrete, and contractors hiring
21 or using any supplier, hauler, or deliverer of ready-mixed concrete;
- 22 5. Defendants and their respective officers, agents, servants, employees,
23 subordinates, and attorneys, and anyone acting in concert or
24 participation with any of those individuals, are hereby
25 PERMANENTLY ENJOINED from applying or enforcing California
26 Labor Code Section 1720.9 against Plaintiffs and all those similarly
27 situated, including other suppliers, haulers, and deliverers of ready-

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mixed concrete, and contractors hiring or using any supplier, hauler, or deliverer of ready-mixed concrete;

6. Defendants and their respective officers, agents, servants, employees, subordinates, and attorneys, and anyone acting in concert or participation with any of those individuals, are hereby further PERMANENTLY ENJOINED from imposing on Plaintiffs and all those similarly situated, including other suppliers, haulers, and deliverers of ready-mixed concrete, and contractors hiring or using any supplier, hauler, or deliverer of ready-mixed concrete, any fines or penalties predicated on California Labor Code Section 1720.9;

7. Defendants shall provide notice of this Permanent Injunction and Final Judgment to all individuals employed in the Department of Industrial Relations of the State of California or the Division of Labor Standards Enforcement or who otherwise have the authority or responsibility for application or enforcement of California Labor Code Section 1720.9;

~~and~~

~~8. Plaintiffs are the prevailing parties for purposes of Federal Rule of Civil Procedure 54(d) and 42 U.S.C. § 1988.~~

DATED: March 14, 2017

By: *R. Gary Klausner*
The Hon. Judge R. Gary Klausner
United States District Judge