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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