

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3
4 APRIL IN PARIS, *et al.*,
5 Plaintiffs,

6 v.

7 ROB BONTA, *et al.*,
8 Defendants.

Civil Case No. 2:19-cv-02471-KJM-CKD

9 THE FOUKE COMPANY,
10 Plaintiff,

11 v.

12 EDMUND BROWN,
13 Defendant.

Civil Case No. 2:78-cv-00398-KJM-CKD

14 **FINAL JUDGMENT**

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16 These actions came for hearing before the Court, the Honorable Kimberly Mueller, Chief
17 District Judge, presiding, and the issues having been duly heard and a decision having been duly
18 rendered, it is hereby ORDERED and ADJUDGED that:

- 19 1. Under the Supremacy Clause of the United States Constitution (Article VI, Clause 2),
20 California Penal Code Sections 653o and 653r are hereby declared unenforceable and
21 unconstitutional as applied to the importation, possession or sale of American
22 alligator bodies, parts, or products thereof, and of the bodies, parts or products of
23 saltwater crocodiles and Nile crocodiles subject to 50 C.F.R. § 17.42.
24 2. California Defendants, in their official capacities as Attorney General of the State of
25 California and Director of the California Department of Fish and Wildlife, their
26 successors in office, their agents and employees acting within the scope of their
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1 official duties, and those under their supervision as defined in Article V, section 13 of
2 the California Constitution, are hereby permanently enjoined from enforcing
3 California Penal Code Sections 653o and 653r in connection with the importation,
4 possession or sale of American alligator bodies, parts, or products thereof, and of the
5 bodies parts or products of saltwater crocodiles and Nile crocodiles subject to 50
6 C.F.R. § 17.42 to the extent the Endangered Species Act of 1973, as amended (16
7 U.S.C. Sections 1531-1543) or regulations promulgated by the Secretary of the
8 Interior of the United States implementing said Act, authorize the same importation,
9 possession or sale.

10 3. The permanent injunction issued in *Fouke Co. v. Brown*, 463 F.Supp. 1142 (E.D. Cal.
11 1979) remains in force but is modified to read as follows:

12 a. Under the Supremacy Clause of the United States Constitution (Article VI,
13 Clause 2), California Penal Code Sections 653o and 653r are hereby declared
14 unenforceable and unconstitutional as applied to the importation, possession
15 or sale of American alligator bodies, parts, or products thereof.

16 b. California Defendants, in their official capacities as Attorney General of the
17 State of California and Director of the California Department of Fish and
18 Wildlife, their successors in office, their agents and employees acting within
19 the scope of their official duties, and those under their supervision as defined
20 in Article V, section 13 of the California Constitution, are hereby permanently
21 enjoined from enforcing California Penal Code Sections 653o and 653r in
22 connection with the importation, possession or sale of American alligator
23 bodies, parts, or products thereof to the extent the Endangered Species Act of
24 1973, as amended (16 U.S.C. Sections 1531-1543) or regulations promulgated
25 by the Secretary of the Interior of the United States implementing said Act,
26 authorize the same importation, possession or sale.

27 DATED: July 10, 2023.

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CHIEF UNITED STATES DISTRICT JUDGE