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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

**KEVIN MARILLEY; SALVATORE;
PAPETTI; SAVIOR PAPETTI**, on behalf
of themselves and similarly situated,

Plaintiffs,

v.

CHARLTON H. BONHAM, in his official
capacity,

Defendant.

Case No. 11-2418 (DMR)

[PROPOSED] JUDGMENT
Fed. R. Civ. P. 54(b)

Judge: The Honorable Donna M. Ryu

1 The Court issued its “Order On Parties’ Cross Motions For Summary Judgment [Docket
2 Nos. 201. 205] And Evidentiary Motions [Docket Nos. 215, 216, 218, 219, and 227]” on
3 October 16, 2013 (Docket No. 280). The Court further issued its “Stipulated Recitals and
4 [Proposed] Determinations and Order Granting Fed. R. Civ. P. 54(b) Certification of Plaintiffs’
5 Count I and Staying Adjudication of Count II” (Docket No. 285). Pursuant to those Orders
6 (Docket No. 280 and Docket No. 285), the Court renders judgment as follows:

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8 1. **Final Judgment on Plaintiffs’ Count I:** Final judgment is entered pursuant to
9 Federal Rule of Civil Procedure 54(b) against Defendant Charlton H. Bonham, in his official
10 capacity as Director of the California Department of Fish and Wildlife, and in favor of Plaintiffs
11 on Count I of Plaintiffs’ Fourth Amended Class Action Complaint (Docket No. 69), alleging
12 violations of the Privileges and Immunities Clause of Art. IV of the United States Constitution.

13 2. **Declaratory Relief on Plaintiffs’ Count I:** The Court declares that the
14 differential fees for commercial fishing licenses (California Fish and Game Code § 7852),
15 commercial boat registrations (California Fish and Game Code § 7881), Dungeness crab vessel
16 permits (California Fish and Game Code § 8280.6), and herring gill net permits (California Fish
17 and Game Code § 8550.5), which vary based on residency and which are enforced by
18 Defendant Charlton H. Bonham, in his official capacity as Director of the California
19 Department of Fish and Wildlife, violate the Privileges and Immunities Clause of Art. IV of the
20 United States Constitution.

21 3. **Injunctive Relief on Plaintiffs’ Count I:** Defendant Charlton H. Bonham, in his
22 official capacity as Director of the California Department of Fish and Wildlife, is hereby
23 enjoined and restrained from enforcing California Fish & Game Code §§ 7852, 7881, 8280.6,
24 8550.5 to the extent that such provisions require nonresidents of California to pay a higher fee
25 than residents of California for the commercial fishing licenses specified in § 7852, commercial
26 boat registrations specified in § 7881, Dungeness crab vessel permits specified in § 8280.6, and
27 herring gill net permits specified in § 8550.5.

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1 4. **Entry of Judgment:** The Court hereby directs the clerk of the court to enter this
2 final judgment in favor of Plaintiffs and the Class on Plaintiffs' Count I as described above.

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4 Dated Nov. 7, 2013

