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6 Attorneys for Plaintiff  
7 California Dump Truck Owners Association

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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA  
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12 CALIFORNIA DUMP TRUCK OWNERS  
13 ASSOCIATION

14 Plaintiff,  
15 vs.

16 MARY D. NICHOLS, Chairperson of the  
California Air Resources Board; JAMES  
17 GOLDSTENE, Executive Officer of the  
California Air Resources Board; and DOES 1-  
18 50

19 Defendants,

20 NATURAL RESOURCES DEFENSE  
21 COUNCIL, INC.,

22 Defendant-Intervenor  
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**ORIGINAL  
FILED**

**JAN 16 2013**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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Case No. 2:11-CV-00384-MCE-GGH

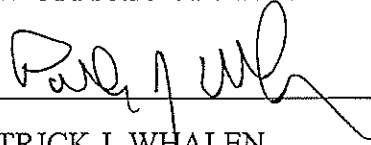
**NOTICE OF APPEAL**

Dept. 7  
Judge. Hon. Morrison C. England, Jr.

1 Notice is hereby given that Plaintiff California Dump Truck Owners Association,  
2 plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the  
3 Ninth Circuit from the Memorandum and Order entered in this action on December 19, 2012,  
4 dismissing this case.

5  
6 THE LAW OFFICES OF BROOKS ELLISON

7 Dated: January 16, 2012

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9 PATRICK J. WHALEN  
10 Attorneys for Plaintiff  
11 CALIFORNIA DUMP TRUCK OWNERS  
12 ASSOCIATION  
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