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8 IN THE SUPERIOR COURT OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

10 THE NEW 49'ERS, INC., a California
11 corporation, DEREK D. EIMER; STEPHEN
12 JONES; DAVID GUIDERO; MARVIN GARRY
LAMPshire II; and DYTON W. GILLILAND,

13 Plaintiffs and Petitioners,

14 v.

15 CALIFORNIA DEPARTMENT OF FISH AND
16 WILDLIFE and CHARLTON H. BONHAM, in
his capacity as Director of the California
Department of Fish and Wildlife,

17 Defendants and Respondents.
18

Case No.

**DECLARATION OF CHRISTOPHER
DARPINO IN SUPPORT OF MOTION
FOR A TEMPORARY RESTRAINING
ORDER AND/OR PRELIMINARY
INJUNCTION**

19
20 Christopher Darpino declares:

21 1. On or about June 14, 2015, I was engaged in small-scale mining activities in the
22 immediate vicinity of the Mokelumne River in Amador County.

23 2. When I returned to my truck, I was confronted by a California Game Warden who
24 accused me of suction dredging. We argued about the matter, since I believe that the device I was
25 using, was not a suction dredge.

1 3. The warden insisted that it was, issued a citation, a true copy of which is attached
2 hereto as Exhibit 1, and asked me to sign the promise to appear. When I told the warden that I was
3 inclined to not sign the ticket in order to get a more immediate court appearance, the warden smiled,
4 saying "I'm really hoping you are not one of those guys."

5 4. He then told me that unless I signed the citation, he would cause the truck to be
6 towed and impounded, which would result in very substantial costs and that it "would not go as
7 easy for me as I would like".

8 5. Faced with this threat, I capitulated and signea the ticket.

9 I certify under penalty of perjury that the foregoing is true and correct.

10 Executed on July 1, 2015.

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13 / 
14 Christopher Darpino
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DEPARTMENT OF FISH AND GAME
 NOTICE TO APPEAR FG-900

MISDEMEANOR
 Traffic Non-traffic

AD2005253

Date of Violation: 6/14/15 Time: 1110 AM Day of Week: SUN Case No.:
 Name (First, Middle, Last): CHRISTOPHER L. DARPINO Owner's Responsibility (Veh. Code, § 40001):

Address: 513 CANTON ST.
 City: STOUGHTON MA State: MA ZIP Code: 02072-2284 Phone Number: 774 719-5659

Driver Lic. No.: 521573683 State: MA Class: Commercial Yes No Age: 39 Birth Date: 9/21/76
 Sex: M Hair: BRN Eyes: BRN Height: 6-01 Weight: 190 Race: W Other Description:

Veh. Lic. No. or VIN: 3LWKH80 State: MA
 Yr. of Veh: 06 Make: FORD Model: F150 Body Style: P/U Color: BLK
 COMMERCIAL VEHICLE (Veh. Code, § 15210(b))
 HAZARDOUS MATERIAL (Veh. Code, § 353)

Evidence of Financial Responsibility:
 Registered Owner or Lessee: Same as Driver
 Address: Same as Driver
 City: State: ZIP Code:

Correctable Violation (Veh. Code, § 40610)		Description	Booking Required	Misdemeanor or Infraction (Circle)
Yes	No			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5653(a) F&G: UNMANNED	<input type="checkbox"/>	M 1
<input type="checkbox"/>	<input type="checkbox"/>	USE OF SUCTION DREDGE	<input type="checkbox"/>	M 1
<input type="checkbox"/>	<input type="checkbox"/>	ON MAKE ROAD	<input type="checkbox"/>	M 1
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	M 1

Speed: _____ P.P. Max: _____
 Location of Violation: _____
 Evidence Taken: _____

Violators not contacted
 I declare under penalty of perjury that the information furnished is true and correct.

Signature: _____
 Date: _____