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 7 and California Department of Food and Agriculture

8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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 12

13 **THE STATE OF MISSOURI, ex rel., Chris**  
 14 **Koster, Attorney General; THE STATE OF**  
 15 **NEBRASKA, ex rel. Jon Bruning, Attorney**  
 16 **General; THE STATE OF OKLAHOMA,**  
 17 **ex rel. E. Scott Pruitt, Attorney General;**  
 18 **THE STATE OF ALABAMA, ex rel. Luther**  
**Strange, Attorney General; THE**  
**COMMONWEALTH OF KENTUCKY, ex**  
**rel. Jack Conway, Attorney General; and**  
**TERRY E. BRANSTAD, Governor of the**  
**State of Iowa,**

19 Plaintiff,

20 v.

21 **KAMALA D. HARRIS, solely in her official**  
 22 **capacity as Attorney general of California;**  
 23 **KAREN ROSS, solely in her official**  
 24 **capacity as Secretary of the California**  
**Department of Food and Agriculture,**

25 Defendant.

2:14-CV-00341-KJM-KJN

**DECLARATION OF ANTHONY S.**  
**HERRERA IN SUPPORT OF**  
**DEFENDANTS' MOTION TO DISMISS**

Date:  
 Time:  
 Courtroom:  
 Judge:  
 Trial Date:  
 Action Filed:

26  
 27 I, ANTHONY S. HERRERA, declare that I am an Agricultural Program Supervisor III at  
 28 California Department of Food and Agriculture ("CDFA"). I have managed the shell egg

1 inspection program (hereinafter "the program") since October, 2000. In my capacity as Program  
2 Supervisor, I oversee all regulatory activities as it pertains to shell eggs and egg products, this  
3 includes; directing enforcement of grading, labeling, and safety requirements, the collection of  
4 assessments and fees, the registration of in-state and out-of-state egg handlers, the promulgation  
5 of regulations to facilitate the effective administration of the program, the provision of program  
6 information to the shell egg industry, act as CDFA liaison to United States Department  
7 Agriculture/Agriculture Marketing Standards in regards to their Federal Shell Egg Surveillance  
8 program, directing program staff and county agricultural commissioner in the enforcement of  
9 grading, labeling, and safety requirements applicable to shell eggs at production,  
10 wholesale/distribution and retail levels.

11 2. I have personal knowledge of the contents of this declaration and competently testify  
12 thereto.

13 3. All egg handlers and egg producers selling eggs into California must register with the  
14 program.

15 4. Any egg handler or producer registering with the Secretary must submit a completed  
16 application along with the required fee.

17 5. Pursuant to my duties at CDFA, I oversee all regulatory activities, including the  
18 registration of in-state and out-of-state egg handlers.

19 6. According to records at CDFA, there are no shell egg producers or handlers registered  
20 to ship shell eggs into California from Alabama, Nebraska or Oklahoma.

21 7. According to records at CDFA, in 2012, approximately 10,814,317 shell egg cases  
22 were shipped into California. Approximately 15,950,377 shell egg cases were produced in  
23 California. See Exhibit A.

24 8. According to records at CDFA, in 2013, approximately 9,632,558 shell egg cases  
25 were shipped into California. Approximately 12,399,491 shell egg cases were produced in  
26 California.

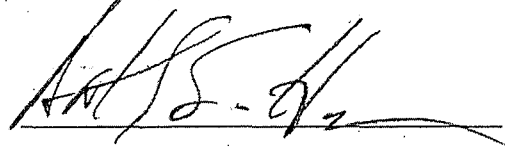
1           9.     According to records at CDFA, in 2013, approximately 650 cases of shell eggs were  
2 shipped into California from Alabama producers and 597 cases were shipped in 2012.

3           10.    According to records at CDFA, in 2013, approximately 780 cases of shell eggs were  
4 shipped into California from Nebraska and none were shipped in 2012.

5           11.    According to records at CDFA, in 2013, approximately 936 cases of shell eggs were  
6 shipped into California from Kentucky and 2,808 cases were shipped in 2012.

7           12.    According to records at CDFA, in 2012 and 2013 there were zero cases of shell eggs  
8 shipped into California from Oklahoma.

9           I declare under penalty of perjury under the laws of the State of California and the United  
10 States of America that the foregoing is true and correct of my own personal knowledge, and that  
11 this declaration is executed in Sacramento, California, this 8<sup>th</sup> day of April, 2014.

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14           ANTHONY S. HERRERA

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18           SA2014114630  
19           Document in ProLaw

**EXHIBIT A**

**Out of State Eggs Shipments 1/1/2012 to  
12/31/2012**

State	Shell Egg Cases
AL	597
AR	83,393
AZ	468,053
CO	155,967
GA	11,776
IA	5,066,045
IL	396,057
IN	124,354
KS	76,302
KY	2,808
MA	780
MD	2,439
MI	403,619
MN	1,036,256
MO	971,075
MS	3,336
NH	14,291
NJ	2,190
NV	5
NY	1,790
OH	524,579
OR	470,518
PA	71,021
SD	147,790
TN	1,246
TX	166,336
UT	428,723
WA	80,304
WI	102,667
<b>Total</b>	<b>10,814,317</b>

No shipments from Nebraska and Oklahoma noted.

<b>California</b>	<b>15,950,377</b>
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# Out of State Eggs Shippments 1/1/2013

to 12/31/2013

State	Shell Egg Cases
AL	650
AR	113,183
AZ	594,763
CO	381,790
GA	6,547
IA	3,051,128
IL	383,249
IN	399,176
KS	65,895
KY	936
MA	6,130
MD	840
MI	370,695
MN	475,415
MO	972,891
MS	780
NC	3,320
NE	780
NH	25,633
NJ	11,459
NY	2,560
OH	1,087,049
OR	445,952
PA	7,520
SD	201,565
TN	810
TX	387,667
UT	451,188
WA	74,828
WI	108,159
Total	9,632,558

No shipments from Oklahoma noted.

California	12,399,491
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**CERTIFICATE OF SERVICE**

Case Name: State of Missouri, ex rel., et al., No. 2:14-CV-00341-KJM-KJN  
v. Kamala D. Harris, et al.

I hereby certify that on April 9, 2014, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF ANTHONY S. HERRERA IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 9, 2014, at Los Angeles, California.

Angela Artiga

Declarant

/s/ Angela Artiga

Signature