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8 California, ex rel. Miriam Barcellona Ingenito,
Acting Director of the Department of Toxic
9 Substances Control

FILED

2014 OCT 20 A 11:43

STEPHEN H. NASH
CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CA

BY: _____
DEPUTY CLERK

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF CONTRA COSTA

14 **PEOPLE OF THE STATE OF**
15 **CALIFORNIA, ex rel., MIRIAM**
16 **BARCELLONA INGENITO, ACTING**
17 **DIRECTOR OF THE DEPARTMENT OF**
TOXIC SUBSTANCES CONTROL,

18 Plaintiffs,

19 v.

20 **ELECTRO-FORMING, CO.; MARION**
21 **PATIGLER; THE ESTATE OF**
22 **GERHARD PATIGLER; THE ESTATE**
OF INGRID PATIGLER; AND DOES 1
THROUGH 50,

23 Defendants.

Case No. C 13-01691

PLAINTIFF'S NOTICE OF MOTION
AND MOTION TO MODIFY
PRELIMINARY INJUNCTION;
MEMORANDUM IN SUPPORT

Date: 2-A-14
Time: 9:00
Dept: 33
Judge: The Honorable Steven K. Austin
Trial Date:
Action Filed: August 8, 2013

25 TO DEFENDANTS ELECTRO-FORMING, CO., MARION PATIGLER, THE ESTATE
26 OF GERHARD PATIGLER, AND THE ESTATE OF INGRID PATIGLER AND TO THEIR
27 ATTORNEYS OF RECORD:
28

1 **TO DEFENDANTS ELECTRO-FORMING, CO., MARION PATIGLER, THE**
2 **ESTATE OF GERHARD PATIGLER, AND THE ESTATE OF INGRID PATIGLER AND**
3 **TO THEIR ATTORNEYS OF RECORD:**

4 **PLEASE TAKE NOTICE** that at _____, on _____, 2014, or as soon thereafter as
5 the matter may be heard, Plaintiff, the People of the State of California, ex rel. Miriam Barcellona
6 Ingenito, Acting Director of the Department of Toxic Substances Control (“DTSC”), will move
7 for an order modifying the preliminary injunction issued on March 5, 2014, pursuant to the
8 provisions of the Code of Civil Procedure, section 533 on the grounds that there has been a
9 material change in the facts upon which the injunction was granted and the ends of justice would
10 be served by the modification. DTSC seek to modify the Preliminary Injunction modified to
11 enjoin Defendants from engaging in: 1) any metal plating or metal stripping operations that
12 generate plating solutions, filters used for removing metal constituents in plating operations
13 (bag/sock filters), rinse waters, and drips and splashes (dragout); and 2) any buffing, polishing, or
14 grinding operations that generate buffing dust, until such time as the underlying civil matter can
15 be resolved.

16 This motion will be based on this Notice, the Memorandum of Points and Authorities in
17 Support of Plaintiff’s Motion for to Modify the Preliminary Injunction, the supporting
18 Declarations of Kenneth Neely, Asha Arora, Michael McCarron, Robert Easley, and Terry
19 McGuinness, and any further evidence or argument that the Court may properly receive at or
20 before the hearing.

21 This motion is made pursuant to the provisions of the Code of Civil Procedure, section 533
22 on the grounds that there has been a material change in the facts upon which the injunction was
23 granted and the ends of justice would be served by the modification.

24 This motion is further made pursuant to Health and Safety Code sections 25181 and 25184,
25 which provide this Court with the power to enjoin these acts and practices and the standard upon
26 which to grant an order directing compliance.

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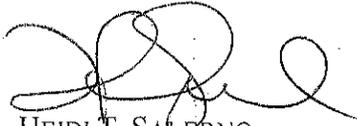
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Dated: October 17, 2014

Respectfully Submitted,

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MARGARITA PADILLA
Supervising Deputy Attorney General



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Ingenito, Acting Director of the
Department of Toxic Substances Control*

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