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17 IN THE SUPERIOR COURT OF SAN BENITO COUNTY

18 STATE OF CALIFORNIA

19 ORGANIC PASTURES DAIRY )  
20 COMPANY, LLC, and )  
21 CLARAVALE FARM, INC., )

22 Plaintiffs, )

23 v. )

24 STATE OF CALIFORNIA and )  
25 A.G. KAWAMURA, Secretary of California )  
26 Department of Food and Agriculture, )

27 Defendants. )  
28 )

Case No.: CU-07-00204

**DECLARATION OF MARK  
MCAFEE REGARDING TEST DATA  
IN SUPPORT OF TEMPORARY  
RESTRAINING ORDER**

29 State of California )  
30 : ss  
31 County of Fresno )

32 I, Mark McAfee, having been duly cautioned, say on my own personal knowledge and  
33 belief, the following:

34 1. I am the owner and operator of Organic Pastures Dairy Company (“OPDC”), a dairy farm  
35 engaged solely in the business of producing raw milk and raw milk products including, but not  
36 limited to, whole milk, skim milk, butter and cream.

37 2. I have been so engaged since 2000 when I established OPDC.  
38

1 3. OPDC is located in Fresno, California, has 40 employees and has 450 head of livestock.

2 4. Our annual sales of raw milk and raw milk products tops \$5 million dollars. Sales of  
3 skim milk and cream most recently were \$47, 000 monthly or close to \$600,000 annually. Our  
4 customers are located throughout California.

5 5. Our raw milk and raw dairy products are tested frequently by the California Department  
6 of Food and Agriculture (CDFA). Specifically, CDFA collects the samples, submits these  
7 samples to a laboratory for analysis, and informs us of the results.

8 6. Attachment A attached hereto is a spread sheet of the results of our raw dairy samples  
9 that were collected by CDFA. These test results are from 2006 and 2007 and are true and  
10 accurate summaries of the raw data given to us by CDFA.

11 7. Attachment A consists of raw data compiled by CDFA which is in its possession. These  
12 data are their own sample results, have been summarized in the tables reflected in Attachment A,  
13 and are true and accurate.

14  
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16 I declare under penalty that the foregoing is true and correct of my own knowledge, and  
17 that, if called to testify, I could and would do so competently. I further declare that this  
18 document was executed on \_\_\_\_\_ (date) in \_\_\_\_\_(place).

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22 \_\_\_\_\_  
Mark McAfee

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