

CALIFORNIA GRAPE ROOTSTOCK IMPROVEMENT COMMISSION

June 18, 2012

PRESS RELEASE
IMMEDIATE

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916/441-2031

Court Upholds Legal Status of the California Grape Rootstock Improvement Commission

On April 12, 2012, the Sacramento County Superior Court issued a decision upholding the legal status of the California Grape Rootstock Improvement Commission (CGRIC) and rejecting all claims raised by plaintiff, Duarte Nursery, Inc. (Duarte). This decision is now final.

In May 2000, Duarte filed its complaint in Sacramento County raising several constitutional claims against the CGRIC. The constitutional claims were stayed pending resolution of an appellate case, *Gallo Cattle Co. v. Kawamura*.

The Court resolved two of Duarte's constitutional claims against CGRIC in November 2010, by relying upon the *Gallo* decision and ruling in favor of CGRIC. After trial in August 2011, on the remaining two counts asserting due process violations, the Court found that "the statutes authorizing establishment of the Commission and its operations represent a valid exercise of the police power and that the ongoing activities of the Commission also have a real and substantial relationship to the public interest."

"We are pleased to finally have this decision," shared CGRIC Chairman Ernie Bowman. "It confirms what we have believed all these years. Unfortunately, the litigation consumed resources and time but we remained focused throughout and are thankful that now we can fully devote our attention to advancing research efforts for the grapevine rootstock industry in California."

The Court's decision concludes a series of unsuccessful legal challenges by Duarte in both state and federal courts. These began in 1996 when Duarte filed his first complaint in Federal District Court. In December, 1998, the Ninth Circuit Court of Appeals unanimously rejected Duarte's appeal and upheld CGRIC law in its entirety. Resolution of the state case brings to an end almost two decades of litigation