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Attorneys for Intervenor-Defendant,
COUNCIL FOR EDUCATION AND
RESEARCH ON TOXICS ("CERT")

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA CHAMBER OF
COMMERCE,

Plaintiff,

vs.

XAVIER BECERRA, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL
OF THE STATE OF CALIFORNIA.

Defendant.

Civil No. 2:19-cv-02019-KJM-JDP

*Assigned to the Hon. Kimberly A. Mueller,
Ctm. 3*

**DECLARATION OF DAVID W.
STEINMAN IN SUPPORT OF CERT'S
MOTION TO DISQUALIFY THE
HONORABLE KIMBERLY J. MUELLER**

DATE: September 17, 2021
TIME: 10:00 a.m.
CRTM: 3

**REDACTS MATERIAL FROM SEALED
RECORDS**

DECLARATION OF DAVID W. STEINMAN

I, David W. Steinman, declare as follows:

1. I, David W. Steinman, am an Officer of The Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc. (“Healthy Living Foundation,” “HLF”). Healthy Living Foundation is a proposed intervenor-defendant in this case.

2. Unless the context indicates otherwise, I have personal knowledge of the matters set forth hereinafter and, if called as a witness, I would competently testify thereto.

How I Discovered Judge Mueller’s Bias

3. I initially discovered a potential conflict of interest and bias of Judge Mueller towards Plaintiff in this case on August 1, 2021, during my routine research of almond growers for the cases where HLF is a party prosecuting almond manufacturers for acrylamide in their products.

4. On August 27, 2021 I drove my daughter to Northern California to her campus at the University of California at Davis where she is a student. Since Judge Mueller stated that day at the hearing that she doesn’t see any reason to recuse herself, I decided to conduct on-the-ground research into the almond ranch in Colusa County, its ownership, and its relation to Judge Mueller and her husband Robert J. Slobe.

5. I had learned that Judge Mueller owned almost \$1 million in stock in almond ranch land from Judge Mueller’s financial disclosures as a federal district court nominee, specifically that Judge Kimberly Mueller herself owned \$234,375 in common stock in the Spring Valley Ranch Partnership, and \$719,950 in common stock in the North Sacramento Land Company (NSLC). Attached hereto as Exhibit “A” is a true and correct copy of Judge Mueller’s financial disclosure at the time of her nomination reflecting ownership of this stock with her husband, Robert Slobe Jr.

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Colusa County’s Almond Business: Vann, Slobe & Mueller, and Blue Diamond

6. As it appears to a visitor, Colusa County has two major crops: almonds and rice. Rice is grown near the Sacramento River, but almonds seem to have overtaken rice as the number-one commodity of Colusa County by visual appearance. On August 28 and 29, 2021, driving down the roads and highway into the small towns and through the processing facilities, I saw almond orchards everywhere.

7. I learned from local residents that the Vann Family is a major almond grower not only in Colusa County, but also in the state of California, along with Blue Diamond Almond Growers, which farms more than 1 million acres of almond farms in California. I learned that the Vann Family’s acreage is 17,000 acres, which places the Vann Family among the top independent almond producers in the state. The largest almond producer in the State is Blue Diamond Almond Growers, whose Chief Executive Officer, Mark D. Janson, is Chairman of the Board of Directors of Plaintiff California Chamber of Commerce.

8. I learned that the ranch owned by Judge Mueller and her husband Robert Slobe has approximately 7,500 acres, about 200 acres of which are almond ranch, in the eastern portion of the county where the inner-coastal range runs. The locals seemed to know them well and were eager to show me the location. Attached hereto as Exhibit “B” are photographs that I took showing almond farming in Colusa County on August 28, 29 and 30, including what appears to be Judge Mueller’s land with blossoming almond trees.

Slobe & Mueller’s Ownership of 217 Acres of Almond-Growing Land Since 2009

9. On August 30, 2021, I went to the Colusa County courthouse at 547 Market St, Colusa, CA 95932. The first office on the left was the Colusa County Assessor’s office. I asked assessor Mike Cerney to use search terms like “Slobe,” and “[REDACTED],” to search for public records, which he did and confirmed to me that Spring Valley Ranch Partnership currently owns all of the 17 parcels pictured in a map that he provided to me, a copy of which is attached as

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1 Exhibit “C”. He also provided me a list of parcel map numbers, a copy of which is attached as
2 Exhibit “D”. I told Mr. Cerney that it appeared that parcels 7, 8, and 10 were almond orchards, as
3 they were in the vicinity of [REDACTED] and [REDACTED] Roads that I had just passed and
4 photographed. Mr. Cerney confirmed that this was correct, stating: “Yes, that’s the right area.”
5 Later that day, Mr. Cerney determined size of the parcels, 217 acres, and provided me with
6 individual sheets for these acres. Mr. Cerney seemed to be surprised by the extent of Slobe’s
7 ownership, pointing out that “This is a lot of land, but all of the parcels have the same deed.” He
8 suggested that if I visited the county clerk and shared the parcel numbers, that office would provide
9 additional information about ownership of the almond orchards, as well as the deed for all 17
10 parcels.

11 10. I went to the County Clerk’s office on August 30, 2021, where Colusa County
12 Clerk & Recorder Rosa Gallo-Vasquez provided me a printout of the Grant Deed for the parcels that
13 the assessor had provided to me. Attached hereto as Exhibit “E” is a true and correct copy of the
14 Grant Deed I was provided. As Mr. Cerney had said, there was only one Grant Deed for all 17
15 parcels, dated March 26, 2009. Under this Deed, the North Sacramento Land Company (in which
16 Judge Mueller owned \$719,950 in common stock, as described her financial disclosure, Exhibit
17 “A”); Carolyn Johnston Slobe, Robert J. Slobe, and other individuals, transferred ownership to
18 Spring Valley Ranch Partnership (SVRP), a California general partnership in which Judge Mueller
19 owned \$234,375 in common stock (also according to Exhibit “A”).

20 11. I had previously found a publication which shows that Judge Mueller married
21 Robert J. Slobe on September 10, 1995, so she acquired an interest in the land in that deed.

22
23 **The Vann Family is a Longstanding Lessor-Investor in Slobe/Mueller Ranchland**

24 12. I also learned that on September 1, 2009, SVRP entered into an agricultural
25 lease with the Vann Family Orchards, one of the most prominent independently owned almond
26 operations in California with acreage apparently in the top 10 individual producers, and very likely
27 a supplier of almonds to the violators that HLF litigates against for exposing Californians to high
28

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levels of acrylamide in almonds. Attached hereto as Exhibit "F" is a true and correct copy of the Agricultural Lease.

13. Ms. Gallo-Vasquez also provided me with documentation showing that shortly following the lease agreement with Vann Family Orchards, on September 25, 2009, the SVRP and Vann Family Orchards entered into an "agricultural investment" agreement with Metropolitan Life Insurance Company with their Agricultural Investment division, located at 7411 N. Cedar, Suite 101, Fresno, California. The 2014 UCC Financing Statement Amendment between all parties describes that the SVRP at [REDACTED] owns real estate assets described in Exhibits A and B, which lists, among other, all crops, all seed, products and supplies from or for all such crops, trees, vines, equipment, piping, wells, irrigation equipment. Attached hereto as Exhibit "G" is a true and correct copy of the UCC Financing Statement.

14. I also researched The Vann Family Orchards' website, which states that they began almond farming operations in Colusa County in the early 1900s and have grown to over 17,000 acres under production currently. Bob Silveira is the Director of Sales at Vann Family Orchards and was elected to a three-year term on the Almond Board of California (ABC), which is a member of the Modesto Chamber of Commerce, which itself belongs to CalChamber and likely did so at the time of the filing of this case.

The Almond Board of California, the Vann Family, and Acrylamide

15. The Almond Board issued this statement about the Vann Family Orchards: "The Vann family is a leader in the California almond business and they have contributed much over the years to improving the industry's stature."

16. I also searched the Almond Board of California website, which shows that since 2003, it launched and funded numerous research projects aimed to attack acrylamide regulation due to high levels of acrylamide in almonds. These projects have ranged from commercial product surveys, analyses of acrylamide precursors in various almond varieties, and

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1 studies on how roasting temperature and time, as well as storage after roasting, may influence
2 acrylamide levels.

3 17. According to the Almond Board of California (ABC) website: “As a
4 governing body for the industry, the ABC Board of Directors is comprised of five handler and five
5 grower representatives who set policy and recommend budgets in several major areas, including
6 production research, public relations and advertising, nutrition research, statistical reporting, quality
7 control and food safety.” Attached hereto as Exhibit “H” is a copy of this ABC webpage.

8
9 **Peanut and Tree Nut Processors Association, Vann, CalChamber, and Acrylamide Litigation**

10 18. According to the website of the Peanut and Tree Nut Processors Association
11 (PTNPA), the Vann Family Orchards is also active in this organization, which appears to be a
12 CalChamber member, and has used the apparent image online of Blake Vann in its own promotions.
13 Members of the Vann family are influential and active members of the PTNPA and several,
14 including Blake, Garnett, and the late Bill Vann (who was tragically killed along with his wife in
15 a helicopter crash), regularly have attended the PTNPA conventions. Attached hereto as Exhibit “I”
16 is a true and correct copy of the relevant portion of a PTNPA webpage reflecting their attendance.

17 19. In October 2020, PTNPA’s CEO co-signed a letter from CalChamber calling
18 on the Office of Health Hazard and Environmental Assessment to loosen its acrylamide standards.
19 The PTNPA has also sponsored webinars and speakers in partnership with CalChamber, including
20 at least one presentation by Arnold & Porter, which is CalChamber’s counsel in this case, addressing
21 the status of this lawsuit, and PTPNA has become a strong advocate for eliminating acrylamide
22 regulations because of the financial interests of its members, including the Vann Family, and by
23 extension Judge Mueller, whose land the Vanns farm for a profit that will invariably be influenced
24 by her decision.

25
26 **Judge Mueller’s Ownership in [REDACTED] and 53 Parcels of Commercial Property**

27 20. On August 30, 2021, I went to the Sacramento County Assessor on the second
28

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floor at 3636 American River Drive, where the office of Assessor Christina Wynn offered to search for all of the properties that belong to Judge Kimberly Mueller, Robert J. Slobe, and the North Sacramento Land Company. Attached hereto as Exhibit “J” is a true and correct copy of the printout of properties owned by Judge Mueller, her husband Robert J. Slobe, and the North Sacramento Land Company (NSLC). As is shown by this printout, Judge Mueller alone or through her shares in the NSLC or marriage with Mr. Slobe owned or had an interest in 54 different parcels in North Sacramento, including [REDACTED] and [REDACTED], the addresses that the North Sacramento Chamber of Commerce and Spring Valley Ranch Partnership listed with the California Secretary of State and the Colusa County Recorder’s office.

Proposition 65 Notices of Violations Regarding Almonds

21. I also researched the California Attorney General’s database of notice of violations and found that 212 almond products have been the subjects of notices of violations. Attached hereto as Exhibit “K” is a list of these notices of violations.

HLF’s 19 Acrylamide in Almond Products Cases

22. HLF (CTWG) is currently litigating a case against Justin’s LLC, which sells popular almond nut butters in Whole Foods Market (a so-called “health food” store), promoting them as “healthy” snacks, which, according the test results from an accredited laboratory, contain up to 873 parts per billion of acrylamide, which is 140 times the Proposition 65 safe harbor level.

See *The Chemical Toxin Working Group Inc. v. Justin's, LLC*, Alameda County Case No. RG20082547.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct and stated to my best knowledge at the time of making this declaration. Executed September 10, 2021 at Topanga, California.



David W. Steinman

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**DECLARATION OF DAVID W. STEINMAN IN SUPPORT OF CERT'S MOTION
TO DISQUALIFY THE HONORABLE KIMBERLY J. MUELLER**

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2021, I caused the foregoing document, described as **DECLARATION OF DAVID W. STEINMAN IN SUPPORT OF CERT'S MOTION TO DISQUALIFY THE HONORABLE KIMBERLY J. MUELLER**, to be electronically filed with the Court's CM/ECF filing system, which will send a *Notice of Electronic Filing* to all parties of record who are registered with CM/ECF:

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I declare that I am employed in the offices of a member of this court, at whose direction service was made.

Executed on September 10, 2021, at Long Beach, California.


Nina S. Vidal, Declarant

updated 08/13/21 nsv

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