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

13 UNITED STATE DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 CALIFORNIA CHAMBER OF
16 COMMERCE,

17 Plaintiff,

18 vs.

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

22 Defendant.

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

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

**SUPPLEMENTAL DECLARATION OF
RAPHAEL METZGER IN SUPPORT OF
MOTION OF INTERVENOR-
DEFENDANT, COUNCIL FOR
EDUCATION AND RESEARCH ON
TOXICS ("CERT"), TO DISQUALIFY
THE HON. KIMBERLY J. MUELLER**

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

**REDACTS MATERIAL FROM SEALED
RECORDS**

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DECLARATION OF RAPHAEL METZGER

I, Raphael Metzger, declare as follows:

1. I am an attorney at law, duly licensed and authorized to practice law in the State of California.

2. I am a member of the bar of all federal district courts in the State of California, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court.

3. 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.

4. My firm represents the Intervenor-Defendant in this case, the Council for Education and Research on Toxics (CERT) .

5. This supplemental declaration is offered in support of CERT’s motion to disqualify the Honorable Kimberly J. Mueller as the trier of fact and the judge in this case. [ECF 152]

6. When CERT filed its Motion to Disqualify, I signed the motion on behalf of CERT as the principal of the Metzger Law Group, A Professional Law Corporation, CERT’s counsel of record in this matter. I also signed the supporting declaration on behalf of CERT.

7. In addition to being lead counsel of the Metzger Law Group for CERT in this matter, I am also CERT’s General Counsel, having been duly appointed to that position by CERT’s Board of Directors on December 23, 2002. Therefore, I am authorized to sign documents on behalf of the organization, and I believe that I was a proper signatory on the declaration that supported CERT’s Motion to Disqualify, pursuant to 28 USC § 144.

8. In order to ensure strict compliance with that part Section 144 requiring that the supporting declaration be signed by “a party,” my office is today filing the Declaration of Nancy Quam-Wickham, who is the Chief Financial Officer for CERT.

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9. I hereby certify, pursuant to 28 USC § 144, that the Declaration of Nancy Quam-Wickham filed in support of CERT’s Motion to Disqualify is made and submitted in good faith, as was my own Declaration supporting the Motion.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed August 25, 2021, at Long Beach, California.

/s/ Raphael Metzger

Raphael Metzger

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2021, I caused the foregoing document, described as SUPPLEMENTAL DECLARATION OF RAPHAEL METZGER IN SUPPORT OF MOTION OF INTERVENOR-DEFENDANT, COUNCIL FOR EDUCATION AND RESEARCH ON TOXICS (“CERT”), TO DISQUALIFY THE HON. 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 August 25, 2021 at Long Beach, California.

/s/ Nina S. Vidal

Nina S. Vidal, Declarant

updated 08/13/21 nsv

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