

FILED

March 2, 2005

PATRICIA A. NOLAND, Clerk

*Collette*

Deputy

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ARIZONA SUPERIOR COURT

PIMA COUNTY

JAMES K. CHILTON, JR.; and CHILTON RANCH AND CATTLE COMPANY, an Arizona Partnership,

Plaintiffs,

v.

CENTER FOR BIOLOGICAL DIVERSITY, INC., a New Mexico corporation; MARTIN TAYLOR; ELVIN SHANE JIMERFIELD; and ANDREW JOHN SCHNELLER.

Defendants.

Case No: C 2003-3724

**JUDGMENT AND DECLARATORY JUDGMENT (AMENDED)**

This matter having come on for trial on January 5, 2005 and the jury having entered its verdict on January 21, 2005; the Court previously entered a Judgment and Declaratory Judgment on February 28, 2005, and the parties having stipulated that the February 28 Judgment be vacated and replaced by this Judgment in order to correct certain errors, IT IS ORDERED THAT the Judgment and Declaratory Judgment entered on February 28, 2005 is vacated and replaced by this amended and final Judgment and Declaratory Judgment.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiffs, James K. Chilton, Jr. and Chilton Ranch And Cattle Company have judgment entered in their favor, against the Center for Biological Diversity, Inc., a New Mexico Corporation; Martin Francis James Taylor, also known as Martin Taylor; Elvin Shane

1 Jimerfield; and Andrew Jon Schneller, and each of them, in the amount of ONE  
2 HUNDRED THOUSAND DOLLARS (\$100,000.00) as actual damages, plus interest  
3 thereon at the rate of ten (10%) percent per annum from January 21, 2005 until paid;

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs,  
5 James K. Chilton, Jr. and Chilton Ranch And Cattle Company have judgment entered in  
6 their favor, against the Center for Biological Diversity, Inc., a New Mexico Corporation;  
7 Martin Francis James Taylor, also known as Martin Taylor; Elvin Shane Jimerfield; and  
8 Andrew Jon Schneller, and each of them, in the amount of FIVE HUNDRED  
9 THOUSAND DOLLARS (\$500,000.00) as punitive damages, plus interest thereon at the  
10 rate of ten (10%) percent per annum from January 21, 2005 until paid;

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs be  
12 awarded their costs in the amount of ELEVEN THOUSAND EIGHT HUNDRED FIFTY  
13 DOLLARS AND 62 CENTS (\$11,850.62), plus interest thereon at the rate of ten (10%)  
14 percent per annum from the date of the entry of this Judgment until paid.

15 THE COURT FINDS THAT Plaintiffs did not present any evidence as to any  
16 fictitious defendant (John Doe or Jane Doe), and so IT IS FURTHER ORDERED  
17 dismissing the complaint as to any unnamed defendants. This Judgment is intended to be  
18 a full and final Judgment.

### 19 DECLARATORY JUDGMENT

20 THE COURT FINDS THAT part of the relief Plaintiffs sought was a Declaratory  
21 Judgment. The jury, in its verdict, answered three questions which the Court relies on in  
22 issuing the following Declaratory Judgment.

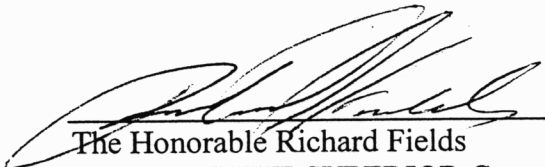
23 THE COURT FINDS THAT the Center for Biological Diversity posted a News  
24 Advisory (press release) which included links to 21 photographs on its website in July  
25 2002. The News Advisory was written by Defendant Martin Taylor, who also took many  
26 of the photographs. Other photographs and certain captions were written by Defendant  
27 Andrew Jon Schneller. The News Advisory and photographs were posted on Defendant  
28 Center for Biological Diversity's website by Defendant Shane Jimerfield.

1 THIS COURT FINDS AND DECLARES THAT the Defendants made false  
2 statements in their News Advisory;

3 THIS COURT FURTHER FINDS AND DECLARES THAT the Defendants'  
4 News Advisory did not accurately describe the condition of the Montana Allotment,  
5 which is a grazing allotment permitted to Plaintiff James K. Chilton, Jr. and operated by  
6 Plaintiff Chilton Land and Cattle Company;

7 THIS COURT FURTHER FINDS AND DECLARES THAT the Defendants'  
8 News Advisory contained misleading photographs.

9 DATED this *2nd* day of *March* February, 2005.

  
The Honorable Richard Fields  
JUDGE OF THE SUPERIOR COURT

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