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 7 Attorneys for Plaintiff
 California Dump Truck Owners Association

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 9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11
 12 CALIFORNIA DUMP TRUCK OWNERS
 13 ASSOCIATION

Case No. 2:11-CV-00384-MCE-GGH

14 Plaintiff,

**DECLARATION OF JAY POCOCK IN
 SUPPORT OF MOTION FOR
 SUMMARY JUDGMENT**

15 vs.

16 MARY D. NICHOLS, Chairperson of the
 California Air Resources Board; JAMES
 17 GOLDSTENE, Executive Officer of the
 California Air Resources Board; and DOES 1-
 18 50

19 Defendants.
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 23 I, Jay Pocock, declare as follows:

24 1. I am the Sales Executive for Superior Trailer Works. My business primarily
 25 involves the manufacturing and sales of truck bodies, trailers and facilitating specifications of
 26 trucks needed for these purposes. I have been involved in such sales for 25 years. Most of my
 27 customers are motor carriers as that term is defined in 49 U.S.C. § 13102.
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1 2. I have been involved with or sold hundreds of truck bodies, trailers and trucks
2 throughout my career, including most to dump truck operators that engage in the transportation
3 of construction material to and from construction sites, including dirt, sand, rock, gravel, and
4 aggregate.

5 3. As part of my business, I am aware of the costs of purchasing trucks in California.
6 I am also aware of the Truck and Bus Regulation promulgated by the Air Resources Board,
7 codified at 13 CCR § 2025. To comply with the rule, I know that many of my customers and
8 industry associates will have to either replace their current trucks with new trucks, or retrofit
9 their old trucks with a diesel particulate filter.

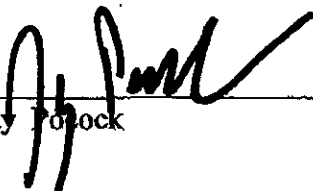
10 4. The price for the most basic 2010 model year truck that would comply with the
11 rule would be approximately \$120,000, including federal excise tax and sales tax. In order to
12 purchase a truck with more features, it would cost approximately an additional \$20,000. To
13 purchase new dump truck equipment for such a truck, it would cost between \$30,000 and
14 \$80,000. To transfer older dump truck equipment to the new truck would cost approximately
15 \$5,000.

16 5. I own a 2009 truck that has factory-installed diesel particulate filter technology
17 which makes it currently compliant with the Truck and Bus Regulation promulgated by the Air
18 Resources Board. I also own an older 2006 truck with a larger, less efficient engine than the
19 2009 truck. I have driven both trucks under identical circumstances for significant periods of
20 time, and I have discovered that the 2009 truck gets less miles per gallon than the older truck
21 with the larger engine. Normally, all other things being equal, I would expect a new truck with a
22 smaller engine to have better fuel economy than an older truck with a larger engine. My
23 discovery that the converse is true reinforces my belief that the filtering technology required to
24 make trucks compliant with the Truck and Bus Regulation results in decreased fuel efficiency.

25 6. My 2009 truck engine with a diesel particulate filter has also completely shut
26 down while I have been driving it, due to an excess buildup of heat and pressure from the filter
27 unit. This problem has never occurred with any of my trucks that are not equipped with the
28 filtering technology.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct and based on my personal knowledge, and if called to testify to these facts, I
3 would do so competently and truthfully.

4 Executed this 15 day of April, 2011, in Fontana, California.

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7 Jay Pocock
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