

2009 APR 14 PM 4:25

1 DEE THOMAS MURPHY -IN PRO PER-  
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6 DEE THOMAS MURPHY:  
7 ADVANCED ENVIRONMENTAL SYSTEMS, INC.. and  
8 AES CENTRAL COAST DISCHARGE ELIMINATION COMPANY

9 Respondent: Dee Thomas Murphy, et al.

10  
11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **IN AND FOR THE COUNTY OF SAN LUIS OBISPO**

13 **DEE THOMAS MURPHY, et al,**

14 Petitioners,

15 vs.

16 **STATE OF CALIFORNIA, et al.**

17 Defendants.

**Case No: CV080510**

**MOTION AND REQUEST FOR ENTRY  
OF EMERGENCY DECLARATORY  
JUDGMENT, JUDGMENT, AND  
NOTICE OF ENTRY OF JUDGMENT  
AGAINST DEFENDANTS**

Judge: Barry La Barbera  
Trial Date: Not set  
Action Filed: June 2, 2008

Moving Party: All Plaintiffs

Responding Party: All Defendants

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19  
20  
21  
22 **MOTION TO ENTER JUDGEMENT AGAINST DEFENDANTS**

23  
24 Now plaintiffs, DEE THOMAS MURPHY, et al, come before the Court requesting, in  
25 the interest of public health and welfare, the Court to enter immediate judgment against  
26 Defendants in the interest of a public health emergency.

27 The Plaintiffs have provided to the Court an overwhelming amount of undisputable  
28 evidence that leaves no doubt as to whether or not the Defendants' defaming acts and tortuous  
interference they committed against the Plaintiffs were knowingly and willfully committed with

1 "extreme malice intent". Plaintiffs now come before the Court to request that the Court enter an  
2 EMERGENCY "Declaratory Judgment" against Defendants.

### 3 **AUTHORITY UNDER WHICH TO ACT**

4 The Defendants are not just a public citizen, but public servants having authority  
5 commissioned by an Act of the United States Congress to uphold, administer, promulgate and  
6 enforce the federal water laws of the US Code Title 33 Chapter 26. The federal constitutional  
7 supremacy clause requires state law to yield to federal law, (Supreme Court of the State of  
8 California, City of Burbank v. State Water Resources Control Board, (2005) 35 Cal.4<sup>th</sup> 613.)  
9 of which, by law the U.S. Code, Title 33, Chapter 26 is "*prima facie* evidence" of the law in  
10 effect. The *Statutes at Large* remains the ultimate authority. If a dispute arises as to the accuracy  
11 or completeness of the codification, the courts will turn to the language in the United States  
12 Statutes at Large.

### 13 **IN THE INTEREST OF PUBLIC HEALTH AND WELFARE**

14 The Defendants have a fiduciary duty that requires them to uphold and enforce laws that  
15 are in the best interest of the public health and welfare. The Defendants are not upholding and  
16 enforcing laws that are in the best interest of the public health and welfare.

17 The Defendants have a fiduciary duty that requires them to uphold and enforce laws that  
18 are in the best interest of our environment, our air we breathe, our ocean, our natural resources,  
19 our atmosphere and the globe upon which we live. The Defendants are not.

20 The Defendants unlawful acts, refusing to acknowledge their obligation to administer  
21 pursuant to federal law, have and continues to result in the ongoing poisoning of the citizens of  
22 Los Osos' drinking water supplies and the environment, knowingly committing assault upon the  
23 citizens of Los Osos utilizing toxic substances.

24 The Defendants' unlawful acts continue to result in the degradation of the integrity of the  
25 Citizens of Los Osos' drinking water supplies, allowing acidic discharges contributing to the  
26 formation of cancer and other related diseases to occur within the bodies of the citizens of Los  
27 Osos, and furthermore adversely effecting the health of the Morro Bay Estuary, the newly  
28 formed Morro Bay East Estuary State Marine Reserve, the National Bird Sanctuary and the

1 oceanic life of Estero Bay as a whole and the health of our global environment and atmosphere at  
2 large.

### 3 CONCLUSION

4 In the Defendants responses, they continue with blatant contempt and disrespect for  
5 Plaintiffs "sewage to pure water "device, referred to as the RECLAMATOR, continually  
6 referring to it as a "septic system" when Plaintiffs have been in possession of data now since  
7 1993 which substantiates otherwise.

8 "Only if you are unafraid of the truth can you find it" (author unknown). It is obvious the  
9 Defendants are afraid of the truth as to their attempt to deceive the public as to what the truth is.  
10 The Defendants, as Plaintiffs have clarified extensively in Exhibits provided, stand to be  
11 negatively impacted upon Defendants, under their duty of care obligations, acknowledgment of  
12 the "TRUTH" regarding the true performance of Plaintiffs device known as the  
13 RECLAMATOR.

14 The Defendants have no case but only a fiduciary responsibility in interest of public  
15 health and welfare and to the protection and preservation of our precious natural resources.

16 The purpose for this complaint in the first place resulted from a radio interview of  
17 September 2007 with the Defendants. During that interview, the Defendants publicly conveyed  
18 to public and Plaintiffs market, the RECLAMATOR "device" didn't work. The Defendants  
19 stated the Plaintiffs' "device discharged waste, waste that would pollute people's ground water",  
20 i.e. "levels of wastes that are not acceptable". The Defendants, in the 2007 radio interview  
21 conveyed to the public that the RECLAMATOR "discharged wastewater".

22 The Plaintiffs have provided substantial evidence in exhibits presented to the Court that,  
23 over the past 15 years on many occasions, Plaintiffs have proven to the Defendants via data  
24 provide, that the technology does in fact "eliminated discharges of pollutants", i.e. nitrogen in  
25 toxic levels and acidic levels of pH.

26 If the RECLAMATOR were to "discharge wastewater" as the Defendants publicly  
27 announced to the public, "wastewater that would pollute people's ground water" per the  
28 Defendants claims, such would justify their statements that the device truly didn't work,

1 however, the RECLAMATOR eliminates the discharges of pollutants that would pollute ground  
2 water. In fact, the technology of the RECLAMATOR is the most advanced and efficient  
3 biological technology in the entire wastewater industry. There is no wastewater treatment  
4 technology currently available within the wastewater industry that is superior.

5 Now, as the Defendants find themselves in a difficult position, substantiating their  
6 statements of misrepresentation and untruths (lies) made to the public on the radio interview.  
7 The Defendants are now "back-peddling", telling the public "we never said the technology didn't  
8 work", thus, a gross contradiction to the statements made by the Defendants during the 2007  
9 interview that resulted in the Plaintiffs filing of this complaint in the first place.

10 Our greatest president, Abraham Lincoln, said in 1838, when he and the United States  
11 were both very young, "Reason---cold, calculating, unimpassioned reason---must furnish all  
12 materials for our future support and defense. Let those materials be molded into general  
13 intelligence, sound morality, and in particular, a reverence for the Constitution and laws."

14 In conclusion the Plaintiffs request, based upon the fact the Defendants have offered no  
15 legal justification or reason for their actions and accusations in their responses to the Plaintiffs  
16 responses, this Court and in the immediate interest of the public health and welfare and our  
17 precious drinking water resources, now and for good reason enter an emergency declaratory  
18 judgment against the Defendants.

19 **REQUEST FOR ENTRY OF EMERGENCY DECLARATORY JUDGMENT,**  
20 **JUDGMENT AND NOTICE OF ENTRY OF JUDGMENT AGAINST DEFENDANTS**

21 Plaintiffs now request that the Court execute an "emergency" entry of declaratory  
22 judgment in the interest of public health and welfare, upon the Defendants as per the following:

- 23 1. The Court enters a Judgment ordering Defendants to accept the Los Osos Going  
24 Green Project Proposal immediately with sanctions imposed upon them for each  
25 day of delay.
  - 26 2. The Court enters a Judgment ordering Defendants to pay damages to Plaintiffs as  
27 requested within this claim.
- 28

3. The Court enters a Judgment ordering Defendants to administer their fiduciary duties to uphold the requirements pursuant to the federal water law, the United States Code Title 33 Chapter 26; as such federal water law takes supremacy over the State of California water laws.

Respectfully submitted;

DATED: 4-14-09

DEE THOMAS MURPHY, et al,  
-In Pro Per-

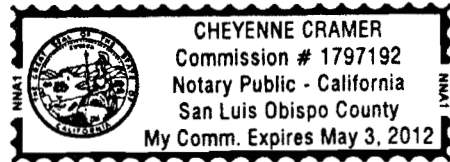
STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF SAN LUIS OBISPO )

15 On April 14, 2009 before me, Cheyenne Cramer, Notary Public,  
16 personally appeared Dee Thomas Murphy

17 \_\_\_\_\_, who proved  
18 to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the  
19 within instrument and acknowledge me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized  
20 capacity~~(ies)~~, and that by his/~~her~~/~~their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon  
21 behalf of which the person~~(s)~~ acted, executed the instrument.

22 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
23 paragraph is true and correct.

24 WITNESS my hand and official seal.



25  
26  
27 Signature Cheyenne Cramer

(seal)

1 MURPHY, et al. v. STATE OF CALIFORNIA, et al.

2 San Luis Obispo County Case No.: CV 080510

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