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**FILED/ENDORSED**  
NOV 13 2015  
By: **K. MICHAUD**  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO

**CAPACITY OF TEXAS, INC.,**  
  
Petitioner,  
  
v.  
  
**NEW MOTOR VEHICLE BOARD,**  
  
Respondent.  
  
**GUARANTEED FORKLIFT, INC. DBA  
GFL, INC.,**  
  
Real Party in Interest.

Case No. 34-2014-80001848-CU-WM-GDS  
**NOTICE OF APPEAL**

Dept: 29  
Judge: Hon. Timothy M. Frawley

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1 Notice is hereby given that Respondent and Appellant New Motor Vehicle Board hereby  
2 appeals from the Judgment On Writ Of Mandamus in this case, dated September 1, 2015—which  
3 issued based on the Court's Ruling on Submitted Matter, dated August 3, 2015.

4 Dated: November 12, 2015

Respectfully Submitted,

5 KAMALA D. HARRIS  
6 Attorney General of California  
7 FIEL D. TIGNO  
8 Supervising Deputy Attorney General



9  
10 MICHAEL D. GOWE  
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13 *New Motor Vehicle Board*

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *Capacity of Texas, Inc. v. New Motor Vehicle Board*

No.: Sacramento County Superior Court Case No. 34-2014-80001848-CU-WM-GDS

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On November 13, 2015, I served the attached **NOTICE OF APPEAL** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550, addressed as follows:

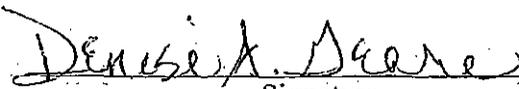
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*Attorneys for Real Party in  
Interest/Appellants*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 13, 2015, at Oakland, California.

Denise A. Geare  
Declarant

  
Signature