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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF LOS ANGELES**

16 CENTER FOR BIOLOGICAL DIVERSITY and) CASE NO.: 19STCP02100;
17 CALIFORNIA NATIVE PLANT SOCIETY)
18 Petitioners,) Related to Case No. 19STCP1917 (*Climate*
19 v.) *Resolve v. County of Los Angeles*)
20)

20 COUNTY OF LOS ANGELES; LOS ANGELES) **~~PROPOSED~~ JUDGMENT GRANTING**
21 COUNTY BOARD OF SUPERVISORS) **PEREMPTORY WRIT OF MANDATE**
22 Respondent.) Judge: Hon. Mitchell L. Beckloff
23) Department: 86

23 TEJON RANCH CO.; CENTENNIAL) Petition Filed: May 29, 2019
24 FOUNDERS, LLC; TEJON RANCHCORP;) Hearing Dates: September 30, 2020
25 Real Parties In Interest) November 13, 2020
26 Does 1-10) January 8, 2021
27) Hearing Time: 9:30 a.m.
28)

FILED
Superior Court of California
County of Los Angeles

03/22/2023

David W. Slayton, Executive Officer / Clerk of Court

By: F. Becerra Deputy

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1 This matter came on regularly for hearing on September 30, 2020, November 13, 2020, and
2 January 8, 2021 at 9:30 p.m. in Department 86 of this Court, located at 111 North Hill Street, Los
3 Angeles, California 90012, via LA Court Connect. Douglas Carstens, Michelle Black, Sunjana Supekar,
4 John Buse, and John P. Rose, appeared on behalf of Petitioners CENTER FOR BIOLOGICAL
5 DIVERSITY and CALIFORNIA NATIVE PLANT SOCIETY (“Petitioners”). Dean Wallraff and
6 Kathleen Unger appeared on behalf of Petitioner Climate Resolve in related Case No. 19STCP1917.
7 Nicole Gordon and Elaine Lemke appeared on behalf of Respondents COUNTY OF LOS ANGELES
8 and BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, (“Respondents”). Jennifer
9 Hernandez and Emily Lieban appeared on behalf of Real Parties in Interest TEJON RANCH CO.,
10 CENTENNIAL FOUNDERS, LLC, and TEJON RANCHCORP (“Real Parties”).

11 The Court has reviewed the record of proceedings, the briefs submitted by counsel, and the
12 arguments of counsel. As set forth in the Court’s April 5, 2021 Minute Order (“April 2021 Minute
13 Order”), which is attached hereto as Exhibit 1, the Court granted the Petition for Writ of Mandate filed
14 by Petitioner Climate Resolve in related Case No. 19STCP1917 and denied the Petition for Writ of
15 Mandate filed by Petitioners.

16 The Court’s ruling, as described in the April 2021 Minute Order, found that “(a) the EIR’s
17 discussion of GHG emissions is flawed based on its reliance on the cap-and-trade program to
18 substantially mitigate emissions; (b) the EIR’s reliance fair share rationale for mitigation is flawed
19 because it is based on reduced emissions from the cap-and-trade program; (c) as the EIR’s mitigation
20 discussion is flawed, the County improperly adopted a statement of overriding considerations; and (d)
21 the EIR’s conclusion wildfire risk impacts outside of the Project site will be reduced to less than
22 significant is not supported by any analysis.” The April 2021 Minute Order states that “[a]ccordingly,
23 the Project’s entitlements are set aside.”

24 On April 19, 2021, Petitioners filed a Motion for Reconsideration of the Court’s Minute Order
25 Denying the Petition for Writ of Mandate filed by Center for Biological Diversity and California Native
26 Plant Society, on the basis that the issues on which Petitioner Climate Resolve prevailed were issues that
27 Petitioners had joined Petitioner Climate Resolve in briefing, had alleged in Petitioners’ Petition for
28

1 Writ of Mandate, and had exhausted in the administrative process. As set forth in the Court’s January
2 14, 2022 Minute Order (“January 2022 Minute Order”), upon reviewing the moving and opposition
3 papers filed by the parties, as well as hearing oral argument on December 1, 2021 and January 12, 2022,
4 the Court granted Petitioners’ Motion for Reconsideration.

5 IT IS THEREFORE ORDERED that:

6 1. Judgment be entered in favor of Petitioners in this proceeding on Petitioners’ Petition for
7 Writ of Mandate on the first cause of action, pursuant to the January 2022 and April 2021 Minute Orders
8 issued by this Court.

9 2. Judgment be entered in favor of Respondents on the remaining claims and causes of
10 action.

11 3. A peremptory writ of mandate directed to Respondents issue under seal of this Court,
12 ordering Respondents to:

13 a. Set aside their approvals of the Centennial Project, including the Centennial
14 Specific Plan (Project No. 02-232-(5)), General Plan Amendment No. 02-232-(5), the Vesting
15 Tentative Parcel Map No. 060022-(5), Conditional Use Permit No. 02-232-(5), Development
16 Agreement No. RPPL2016-003940-(5) and Zone Change No. 02-232-(5), and any other
17 associated approvals authorized by Respondents;

18 b. Set aside their certification of the Final Environmental Impact Report, State
19 Clearinghouse No. 2004031072, prepared in connection with the Centennial Project (“FEIR”);

20 d. Set aside their Findings, the Statement of Overriding Considerations, and
21 the Mitigation Monitoring and Reporting Program adopted in connection with the
22 Centennial Project; and,

23 e. Suspend any and all specific project activity or activities pursuant to the project
24 approvals that could result in an adverse change or alteration to the physical environment, unless
25 and until Respondents comply with the requirements of the California Environmental Quality
26 Act.

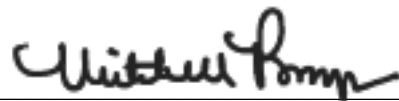
1 4. The Court shall retain jurisdiction over the proceedings pursuant to Public Resources
2 Code section 21168.9, subdivision (b) by way of the return to the Writ of Mandate, which Respondents
3 shall file no later than 90 days after the date of the issuance of the Writ confirming that Respondents
4 have taken the steps set forth in paragraph 3.

5 5. Pursuant to Public Resources Code section 21168.9, subdivision (c), the Court does not
6 direct Respondents to exercise their discretion in any particular way.

7 6. This Court retains jurisdiction to hear any motions or applications for attorney's fees and
8 determine entitlement to, and amount of, such fees, if any, pursuant to applicable law and rules of court.

9 7. Petitioners are to be awarded costs of suit, and the Court retains jurisdiction to determine
10 the amount of such costs pursuant to applicable law and rules of court.

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12 DATED: ~~T 23 @ G F G H~~ _____, ~~2022~~

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16 HON. MITCHELL L. BECKLOFF
17 JUDGE OF THE SUPERIOR COURT
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1 **PROOF OF SERVICE**

2 I am employed by Chatten-Brown, Carstens & Minter LLP in the County of Los Angeles, State of
3 California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific
4 Coast Highway, Ste. 318, Hermosa Beach, CA 90254. On February 10, 2022, I served the within documents:

5 **[PROPOSED] JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE**

6 **VIA UNITED STATES MAIL.** I am readily familiar with this business’ practice for
7 collection and processing of correspondence for mailing with the United States Postal Service.
8 On the same day that correspondence is placed for collection and mailing, it is deposited in
9 the ordinary course of business with the United States Postal Service in a sealed envelope with
10 postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or
11 package addressed to the person(s) at the address(es) as set forth below, and following
12 ordinary business practices I placed the package for collection and mailing on the date and at
13 the place of business set forth above.

14 **VIA OVERNIGHT DELIVERY.** I enclosed the above-referenced document(s) in an
15 envelope or package designated by an overnight delivery carrier with delivery fees paid or
16 provided for and addressed to the person(s) at the address(es) listed below. I placed the
17 envelope or package for collection and overnight delivery at an office or a regularly utilized
18 drop box of the overnight delivery carrier.

19 **VIA ONE LEGAL E-SERVICE.** By submitting an electronic version of the document(s) to
20 One Legal, LLC, through the user interface at www.onelegal.com.

21 **VIA FACSIMILE TRANSMISSION.** Based on an agreement of the parties to accept
22 service by fax transmission, I faxed the above-referenced document(s) to the persons at the
23 fax number(s) listed below. No error was reported by the fax machine that I used. A copy of
24 the record of the fax transmission is attached.

25 **VIA ELECTRONIC SERVICE.** I caused the above-referenced document(s) to be sent to
26 the person(s) at the electronic address(es) listed below.

27 I declare that I am employed in the office of a member of the bar of this court whose direction the
28 service was made. I declare under penalty of perjury under the laws of the State of California that the above is
true and correct. Executed on February 10, 2022, at Hermosa Beach, California 90254.

/s/ Cynthia Kellman

Cynthia Kellman

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