

APPENDIX X
NOTICE OF ENTRY OF PEREMPTORY WRIT OF MANDATE,
(DECEMBER 4, 2015);
NOTICE OF ENTRY OF JUDGMENT,
(DECEMBER 4, 2015)

SAN DIEGO ASSOCIATION OF GOVERNMENTS
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Attorney for Petitioner/Appellant
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Attorneys for Petitioners/Appellants
SAN DIEGO ASSOCIATION OF GOVERNMENTS and
SAN DIEGO METROPOLITAN TRANSIT SYSTEM

SUPERIOR COURT OF THE STATE CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

DEL CERRO ACTION COUNCIL,

Petitioners,

v.

BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY and
DOES 1 through 20, inclusive,

Respondents.

AND ALL CONSOLIDATED ACTIONS.

CASE NOS.: GIC 855643 (Lead Case)
[Consolidated with Case Nos. GIC
855701; 37-207-00083692-CU-WM-CTL;
37-2007-00083768-CU-TT-CTL; 37-
2007-00083773-CU-MC-CTL]

**NOTICE OF ENTRY OF
PEREMPTORY WRIT OF MANDATE**

(CEQA Matter Under Public Resources
Code § 21000 et seq.)

DEPT.: N-28
JUDGE: Hon. Earl H. Maas III

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 30, 2015 the Court signed the [Proposed] Peremptory Writ of Mandate. Please see Exhibit A for the signed Peremptory Writ of Mandate.

DATED: Dec. 4, 2015 THE SOHAGI LAW GROUP, PLC

By:



NICOLE H. GORDON

Attorneys for Petitioners/Appellants
SAN DIEGO ASSOCIATION OF
GOVERNMENTS and SAN DIEGO
METROPOLITAN TRANSIT SYSTEM

EXHIBIT A

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SUPERIOR COURT OF THE STATE CALIFORNIA
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00083768-CU-TT-CTL; 37-2007-
00083773-CU-MC-CTL]

~~PROPOSED~~ PEREMPTORY WRIT
OF MANDATE

(CEQA Matter Under Public Resources
Code § 21000 et seq.)

DEPT.: N-28
JUDGE: Hon. Earl H. Maas III

FILED
Clerk of the Superior Court

NOV 30 2015

BY Noreen McKinley, Deputy

VIA FAX

1 To respondents the BOARD OF TRUSTEES OF THE CALIFORNIA STATE
2 UNIVERSITY ("Board");

3 Whereas, Judgment having been entered in this proceeding, ordering that a writ of
4 mandate be issued from this Court, and

5 Whereas, the California Environmental Quality Act ("CEQA," Public Resources
6 Code §§21000 et seq.), section 21168.9, authorizes a mandate that the determination,
7 finding, or decision of the Board be voided in whole or in part upon certain findings,

8 IT IS ORDERED that, immediately upon service of this writ and at its next
9 regularly scheduled meeting at which proper legal notice of this action can be provided,
10 respondents Board of Trustees of the California State University shall take the following
11 actions:

12 1. Set aside and vacate your December 14, 2007 approval of the San Diego
13 State University ("SDSU") Campus Master Plan and your findings for approval of the
14 SDSU Campus Master Plan.

15 2. Decertify the Environmental Impact Report ("EIR") for the SDSU Campus
16 Master Plan but only with respect to the specific issues described in paragraph 3 (a)
17 through (c) below.

18 3. Prior to the Board taking any action to reapprove a Campus Master Plan for
19 the SDSU Campus, the Board, in any EIR, will proceed in accordance with the standards
20 and procedures required by CEQA, including its provisions for public comment, and
21 make all required findings in good faith and on the basis of substantial evidence as to
22 those issues described in paragraph 3 (a) through (c) below:

23 (a) **Traffic:** In response to the decision rendered by the California
24 Supreme Court on August 3, 2015 (Case No. S199557), the Board, based on a re-
25 evaluation of the off-site mitigation measures and further good faith negotiations with the
26 City of San Diego, the San Diego Association of Governments, and the San Diego
27 Metropolitan Transit System, will reassess SDSU's fair-share of such mitigation costs
28 (and, based on the record here, forego financial infeasibility arguments as to such costs in

1 this case), consistent with the views expressed in the Supreme Court's decision;

2 (b) **Transit:** Evaluate the potential transit impacts of the Campus
3 Master Plan consistent with CEQA and the directives contained in the decision rendered
4 by the Court of Appeal, Fourth Appellate District, on December 13, 2011 (D057446); and

5 (c) **Transportation Demand Management:** Re-evaluate the
6 transportation demand management mitigation measure in the Final EIR consistent with
7 the directives contained in the decision rendered by the Court of Appeal, Fourth Appellate
8 District, on December 13, 2011 (D057446).

9 4. The court hereby makes the necessary findings relative to the mandate
10 issued under paragraphs 1, 2, and 3.

11 5. Upon completion of those actions necessary to comply with CEQA and the
12 decisions rendered by the California Supreme Court and Court of Appeal as directed by
13 this writ, take any and all further action that may be necessary to bring SDSU into
14 compliance with CEQA in response to the directives contained in the decisions of the
15 Court of Appeal and the California Supreme Court.

16 6. File a return to this writ of mandate informing the Court of what actions you
17 have taken or intend to take to comply with the writ of mandate. Said return shall be filed
18 no later than 90 days after entry of Judgment. The Court shall retain jurisdiction over this
19 matter until it determines that you have completed all of the foregoing actions in the
20 manner required by CEQA.

21
22 DATED: 11-30-15


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24 
25 HONORABLE EARL H. MAAS III
26 Judge of the Superior Court
27
28

1
2 Approved as to form and substance;

3 October 30, 2015

THE SOHAGI LAW GROUP, PLC

4
5 By:



NICOLE H. GORDON
Attorneys for Petitioners/Appellants
SAN DIEGO ASSOCIATION OF
GOVERNMENTS and SAN DIEGO
METROPOLITAN TRANSIT SYSTEM

6
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9
10 Approved as to form and substance:

11
12 October 30, 2015

OFFICE OF THE SAN DIEGO CITY ATTORNEY

13
14 By:


Christine Leone, Chief Deputy City Attorney
Attorneys for Petitioners/Appellants
CITY OF SAN DIEGO and
REDEVELOPMENT AGENCY OF THE
CITY OF SAN DIEGO

15
16
17
18 Approved as to form and substance:

19 October ____, 2015

GATZKE DILLON & BALLANCE LLP

20
21 By:

Michael S. Haberkorn
Attorneys for Defendant/Respondent
BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY

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1
2 Approved as to form and substance:

3 October ____, 2015

THE SOHAGI LAW GROUP, PLC

5 By:

6 NICOLE H. GORDON
7 Attorneys for Petitioners/Appellants
8 SAN DIEGO ASSOCIATION OF
9 GOVERNMENTS and SAN DIEGO
10 METROPOLITAN TRANSIT SYSTEM

11 Approved as to form and substance:

12 October ____, 2015

OFFICE OF THE SAN DIEGO CITY ATTORNEY

13 By:

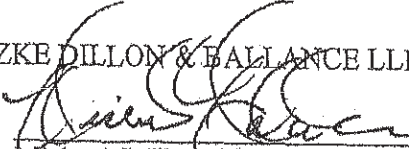
14 Christine Leone, Chief Deputy City Attorney
15 Attorneys for Petitioners/Appellants
16 CITY OF SAN DIEGO and
17 REDEVELOPMENT AGENCY OF THE
18 CITY OF SAN DIEGO

19 Approved as to form and substance:

20 October 30, 2015

GATZKE DILLON & BALLANCE LLP

21 By:

22 
23 Michael S. Haberkorn
24 Attorneys for Defendant/Respondent
25 BOARD OF TRUSTEES OF THE
26 CALIFORNIA STATE UNIVERSITY

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 11999 San Vicente Boulevard, Suite 150, Los Angeles, California 90049.

On October 30, 2015, I served true copies of the following document(s) described as **[PROPOSED] PEREMPTORY WRIT OF MANDATE** on the interested parties in this action as follows:

☒ BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with The Sohagi Law Group, PLC's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☐ BY FAX TRANSMISSION: I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. The telephone number of the sending facsimile machine was (310) 475-5707. No error was reported by the fax machine that I used.

☒ BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address ngordon@sohagi.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ BY OVERNIGHT DELIVERY: I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

☐ BY PERSONAL SERVICE: I personally delivered the document(s) directly to the person(s) being served.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 30, 2015, at Los Angeles, California.

Nicole Gordon

Printed Name



Signature

SERVICE LIST

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AGENCY OF THE CITY OF SAN
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PROOF OF SERVICE

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At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 11999 San Vicente Boulevard, Suite 150, Los Angeles, California 90049.

On December 4, 2015, I served true copies of the following document(s) described as **NOTICE OF ENTRY OF PEREMPTORY WRIT OF MANDATE** on the interested parties in this action as follows:

☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with The Sohagi Law Group, PLC's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 4, 2015, at Los Angeles, California.

Cheron McAleece

Printed Name



Signature

SERVICE LIST

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SUPERIOR COURT OF THE STATE CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

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2007-00083773-CU-MC-CTL]

NOTICE OF ENTRY OF JUDGMENT

(CEQA Matter Under Public Resources
Code § 21000 et seq.)

DEPT.: N-28
JUDGE: Hon. Earl H. Maas III

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on November 19, 2015 the Court signed the
3 [Proposed] Judgment. Please see Exhibit A for the signed Judgment.

4
5 DATED: Dec. 4, 2015 THE SOHAGI LAW GROUP, PLC

6
7 By: 

8 NICOLE H. GORDON

9 Attorneys for Petitioners/Appellants
10 SAN DIEGO ASSOCIATION OF
11 GOVERNMENTS and SAN DIEGO
12 METROPOLITAN TRANSIT SYSTEM

EXHIBIT A

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4 Attorney for Petitioner/Appellant
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12
13 SUPERIOR COURT OF THE STATE CALIFORNIA
14 FOR THE COUNTY OF SAN DIEGO

15 DEL CERRO ACTION COUNCIL,

16 Petitioners,

17 v.

18 BOARD OF TRUSTEES OF THE
19 CALIFORNIA STATE UNIVERSITY and
DOES 1 through 20, inclusive,

20 Respondents.

21
22 AND ALL CONSOLIDATED ACTIONS.
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F I L E D
Clerk of the Superior Court

NOV 19 2015

BY Noreen McKinley, Deputy

VIA FAX

CASE NOS.: GIC 855643 (Lead Case)
[Consolidated with Case Nos. GIC 855701;
37-207-00083692-CU-WM-CTL; 37-2007-
00083768-CU-TT-CTL; 37-2007-
00083773-CU-MC-CTL]

[PROPOSED] JUDGMENT

(CEQA Matter Under Public Resources
Code § 21000 et seq.)

DEPT.: N-28
JUDGE: Hon. Earl H. Maas III

1 The parties to this consolidated action are petitioners the City of San Diego
2 ("City"), the San Diego Association of Governments ("SANDAG"), and the San Diego
3 Metropolitan Transit System ("MTS"), and respondents the Board of Trustees of the
4 California State University ("Board"). Petitioners brought this action under the
5 provisions of the California Environmental Quality Act ("CEQA," Public Resources
6 Code § 21000 et seq.), and specifically contend that respondent CSU failed to comply
7 with CEQA in connection with actions taken by the Board on November 14, 2007 to
8 approve a Campus Master Plan for San Diego State University ("SDSU") (the "Project")
9 and certifying an Environmental Impact Report for the same.

10 On December 14, 2007, petitioners City, SANDAG and MTS filed petitions for
11 writ of mandate in the San Diego Superior Court challenging the Board's decision to
12 certify the 2007 EIR. After consolidating the petitions, the court issued a statement of
13 decision and judgment rejecting all of petitioners' claims, denying the petitions for writ of
14 mandate, and discharging a prior 2006 peremptory writ. Petitioners appealed the superior
15 court's decision.

16 On December 13, 2011, the Court of Appeal issued a decision reversing in part,
17 affirming in part, and directing the superior court to issue a writ of mandate ordering the
18 Board to vacate its decision certifying the 2007 EIR. The Board petitioned the California
19 Supreme Court for review of the Court of Appeal's decision.

20 On April 18, 2012, the Supreme Court granted the Board's petition for review.
21 After extensive briefing, the Supreme Court heard oral argument on May 26, 2015. All
22 parties appeared at oral argument through counsel.

23 On August 3, 2015, the Supreme Court issued its Opinion affirming the judgment
24 of the Court of Appeal for reasons set forth in detail in its Opinion. The Supreme Court's
25 decision became final on September 2, 2015.

26 On September 4, 2015, the Supreme Court issued a remittitur to the Court of
27 Appeal, revesting jurisdiction in this Court.

28 On September 11, 2015, the Court of Appeal issued a remitter to this Court.

1 For the reasons set forth in the Supreme Court's Opinion,

2 IT IS HEREBY ORDERED, ADJUDGED and DECREED:

3 1. A writ of mandate shall issue forthwith directing respondent Board to set
4 aside its December 14, 2007 approval of the SDSU Campus Master Plan and its findings
5 for approval of the SDSU Campus Master Plan. The writ also shall direct respondent
6 Board to set aside its certification of the Environmental Impact Report ("EIR") for the
7 SDSU Campus Master Plan, but only with respect to the specific issues described in
8 paragraph 2 a. (i) through (iii) below.

9 2. The writ of mandate shall further direct that:

10 a. Prior to the Board taking any action to reapprove a Campus Master
11 Plan for the SDSU Campus, Respondent shall, in any EIR, proceed in accordance with
12 the standards and procedures required by the California Environmental Quality Act
13 ("CEQA," Public Resources Code § 21000 et seq.), including its provisions for public
14 comment, and make all required findings in good faith and on the basis of substantial
15 evidence as to those issues described in paragraph 2 a. (i) through (iii) below:

16 (i) **Traffic:** In response to the decision rendered by the California Supreme Court
17 on August 3, 2015 (Case No. S199557), the Board, based on a re-evaluation of the
18 off-site mitigation measures and further good faith negotiations with the City of
19 San Diego, the San Diego Association of Governments, and the San Diego
20 Metropolitan Transit System, will reassess SDSU's fair-share of such mitigation
21 costs (and, based on the record here, forego financial infeasibility arguments as to
22 such costs in this case), consistent with the views expressed in the Supreme
23 Court's decision;

24 (ii) **Transit:** Evaluate the potential transit impacts of the Campus Master Plan
25 consistent with CEQA and the directives contained in the decision rendered by the
26 Court of Appeal, Fourth Appellate District, on December 13, 2011 (D057446); and

27 (iii) **Transportation Demand Management:** Re-evaluate the transportation
28 demand management mitigation measure in the Final EIR consistent with the

1 directives contained in the decision rendered by the Court of Appeal, Fourth
2 Appellate District, on December 13, 2011 (D057446).

3 b. Upon completion of those actions necessary to comply with CEQA
4 and the decisions rendered by the California Supreme Court and Court of Appeal as
5 directed by this writ, the Board shall take any and all further action that may be necessary
6 to bring SDSU into compliance with CEQA in response to the directives contained in the
7 decisions of the Court of Appeal and the California Supreme Court.

8 c. Pursuant to Public Resources Code § 21168.9(b), the Court shall
9 retain jurisdiction to enforce compliance with the writ of mandate. To that end,
10 respondent shall file a return to the writ of mandate informing the Court of what actions it
11 has taken or intends to take to comply with the writ of mandate no later than 90 days after
12 entry of this Judgment.

13 3. Petitioners are awarded costs as provided by statute. Any motions for
14 attorney fees shall be filed in accordance with the applicable provisions of the Code of
15 Civil Procedure.

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17
18 DATED: 11-19-15



HONORABLE EARL H. MAAS III
Judge of the Superior Court

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28 Approved as to form and substance:

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 11999 San Vicente Boulevard, Suite 150, Los Angeles, California 90049.

On October 30, 2015, I served true copies of the following document(s) described as **[PROPOSED] JUDGMENT** on the interested parties in this action as follows:

☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with The Sohagi Law Group, PLC's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☐ **BY FAX TRANSMISSION:** I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. The telephone number of the sending facsimile machine was (310) 475-5707. No error was reported by the fax machine that I used.

☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address ngordon@sohagi.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **BY OVERNIGHT DELIVERY:** I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

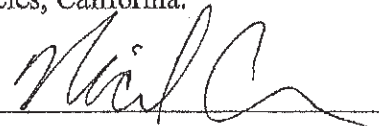
☐ **BY PERSONAL SERVICE:** I personally delivered the document(s) directly to the person(s) being served.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 30, 2015, at Los Angeles, California.

Nicole Gordon

Printed Name


Signature

[PROPOSED] JUDGMENT

SERVICE LIST

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AGENCY OF THE CITY OF SAN
DIEGO**

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 11999 San Vicente Boulevard, Suite 150, Los Angeles, California 90049.

On December 4, 2015, I served true copies of the following document(s) described as **NOTICE OF ENTRY OF JUDGMENT** on the interested parties in this action as follows:

☒ BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with The Sohagi Law Group, PLC's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☐ BY FAX TRANSMISSION: I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. The telephone number of the sending facsimile machine was (310) 475-5707. No error was reported by the fax machine that I used.

☒ BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address cmcaleece@sohagi.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ BY OVERNIGHT DELIVERY: I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

☐ BY PERSONAL SERVICE: I personally delivered the document(s) directly to the person(s) being served.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 4, 2015, at Los Angeles, California.

Cheron McAleece

Printed Name



Signature

SERVICE LIST

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