

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/17/05

DEPT. 86

HONORABLE DAVID P. YAFFE

JUDGE

F. MOREAU

DEPUTY CLERK

HONORABLE #4.

JUDGE PRO TEM

H. KWON, COURTROOM ASST.

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

8:30 am

BS093012

Plaintiff

Counsel

SAVE OUR COMMUNITY

NO APPEARANCES.

Defendant

VS

Counsel

CITY OF ROSEMEAD ET AL

(CEQA)

NATURE OF PROCEEDINGS:

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF JUDGMENT

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of Judgment entered on August 17, 2005 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: August 17, 2005

John A. Clarke, Executive Officer/Clerk

By: _____

F. Moreau

F. MOREAU

LISA KRANITZ; PETER WALLIN
WALLIN, KRESS, REISMAN...
2800 TWENTY-EIGHTH ST., STE. 315
SANTA MONICA, CA 90405-6205

BRIGGS LAW CORPORATION
99 EAST C STREET, STE. 111

<p align="center">MINUTES ENTERED 08/17/05 COUNTY CLERK</p>

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

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CITY OF ROSEMEAD ET AL

(CEQA)

NATURE OF PROCEEDINGS:

UPLAND, CA 91786

JOHN C. NOLAN; JENNIFER GUENTHER

GRESHAM SAVAGE NOLAN...

P.O. BOX 1240

RIVERSIDE, CA 92502-1240

ORIGINAL FILED
AUG 17 2005
LOS ANGELES
SUPERIOR COURT

BLC COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES--CENTRAL DISTRICT (MOSK COURTHOUSE)

SAVE OUR COMMUNITY,

Petitioner and Plaintiff;

vs.

CITY OF ROSEMEAD, REDEVELOPMENT
AGENCY OF THE CITY OF ROSEMEAD,
AND DOES 1 THROUGH 50,

Respondents and Defendants;

WAL-MART REAL ESTATE BUSINESS
TRUST, DEVELOPMENT RESOURCE
CONSULTANTS, INC., and DOES 51 through
100,

Real Parties in Interest.

CASE NO. BS093012

**JUDGMENT ON PEREMPTORY WRIT
OF MANDATE**

Action Filed: October 7, 2004
Department: 86 (Yaffe)

This action came on regularly for hearing on April 6, 2005, at 9:30 a.m. in Department 86 of the Los Angeles County Superior Court (Central District), with the Honorable Judge David P. Yaffe presiding and sitting without a jury. Petitioner and Plaintiff Save Our Community appeared by and through attorney Cory J. Briggs of Briggs Law Corporation. Respondent City of Rosemead appeared by and through attorney Lisa E. Kranitz of Wallin, Kress, Reisman & Kranitz. Real Parties in Interest Wal-Mart Real Estate Business Trust and Development Resource Consultants, Inc., appeared by and through attorneys John C. Nolan and Jennifer M. Guenther of Gresham Savage Nolan & Tilden, P.C.

1 Petitioner and Plaintiff Save Our Community having requested the Court to enter judgment on
2 a peremptory writ of mandate under Public Resources Code section 21168 and Code of Civil Procedure
3 section 1094.5,

4 The Court having considered the petition, the responses to the petition, the supporting and
5 opposing briefs, the administrative record lodged with the Court and all other proper evidence, all other
6 contents of the Court's files for this action, and the arguments of the parties' respective attorneys, and

7 The Court having denied the motion for reconsideration of Real Parties in Interest Wal-Mart
8 Real Estate Business Trust and Development Resource Consultants, Inc., on June 30, 2005,

9 **IT IS ORDERED, ADJUDGED, AND DECREED** that:

10 1. A peremptory writ of mandate shall issue to command Respondent City of Rosemead
11 as follows:

- 12 a. Respondent shall void its certification of the environmental
13 impact report for the project that is the subject of this action,
14 which project is also known as the Rosemead Commercial Retail
15 Center ("the Project");
- 16 b. Respondent shall certify a new environmental impact report
17 ("EIR") for the Project in accordance with applicable standards
18 and procedures of the California Environmental Quality Act
19 ("CEQA"), including provisions relating to public comment, and
20 shall make findings that CEQA may require;
- 21 c. Respondent will not be required to suspend further development
22 of the Project pending Respondent's compliance with CEQA in
23 determining the opening and closing hours for the Project, but
24 Respondent shall discontinue all further development on the site
25 of the Project until Respondent complies with CEQA by
26 certifying an EIR that adequately addresses alternative sites for
27 the Project; and
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d. Respondent shall void its adoption of all zoning changes, general-plan amendments, and other land-use entitlements related to the Project if and only if Respondent determines, upon further consideration and in accordance with all applicable laws, not to approve the Project or modify the site of the Project;

2. Upon bringing a successful motion for attorney fees, Petitioner and Plaintiff Save Our Community shall recover its attorney fees incurred in prosecuting this action in the amount of \$ _____ from Respondent City of Rosemead and Real Parties in Interest Wal-Mart Real Estate Business Trust and Development Resource Consultants, Inc.; and

3. Petitioner and Plaintiff Save Our Community shall recover its costs in prosecuting this action in the amount of \$ _____ from Respondent City of Rosemead and Real Parties in Interest Wal-Mart Real Estate Business Trust and Development Resource Consultants, Inc.

Date: _____, 2005.

David P. Yaffe
Judge of the Superior Court

APPROVED AS TO FORM.

Date: July 25, 2005.

BRIGGS LAW CORPORATION

By: _____
Cory J. Briggs

Attorneys for Petitioner and Plaintiff Save Our Community

Date: July 25, 2005.

WALLIN, KRESS, REISMAN & KRANTZ

By: _____
Peter L. Wallin

Attorneys for Respondent and Defendant City of Rosemead

1 d. Respondent shall void its adoption of all zoning changes,
2 general-plan amendments, and other land-use entitlements
3 related to the Project if and only if Respondent determines, upon
4 further consideration and in accordance with all applicable laws,
5 not to approve the Project or modify the site of the Project;

6 2. Upon bringing a successful motion for attorney fees, Petitioner and Plaintiff Save Our
7 Community shall recover its attorney fees incurred in prosecuting this action in the amount of
8 \$ _____ from Respondent City of Rosemead and Real Parties in Interest Wal-Mart Real
9 Estate Business Trust and Development Resource Consultants, Inc.; and

10 3. Petitioner and Plaintiff Save Our Community shall recover its costs in prosecuting this
11 action in the amount of \$ _____ from Respondent City of Rosemead and Real Parties in
12 Interest Wal-Mart Real Estate Business Trust and Development Resource Consultants, Inc.

13
14
15 *J* Date: August 17, 2005, 2005.

DAVID P. YAFFE

David P. Yaffe
Judge of the Superior Court

16
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19 APPROVED AS TO FORM.

20 Date: July 25, 2005.

BRIGGS LAW CORPORATION

ORIGINAL SIGNED

21 By:

22 _____
Cory J. Briggs

23 Attorneys for Petitioner and Plaintiff Save Our
24 Community

25 Date: July 25, 2005.

WALLIN, KRESS, REISMAN & KRANITZ

26
27 By:

28 _____
Peter L. Wallin

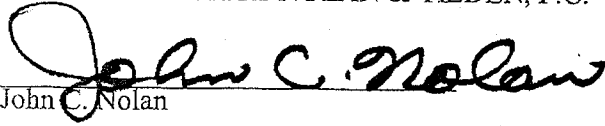
Attorneys for Respondent and Defendant City of
Rosemead

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Date: July 25, 2005.

GRESHAM SAVAGE NOLAN & TILDEN, P.C.

By:


John C. Nolan

Attorneys for Real Parties in Interest Wal-Mart Real
Estate Business Trust and Development Resources
Consultants, Inc.

1 Date: July 25, 2005.

GRESHAM SAVAGE NOLAN & TILDEN, P.C.

2
3 By:

John C. Nolan

4 Attorneys for Real Parties in Interest Wal-Mart Real
5 Estate Business Trust and Development Resources
6 Consultants, Inc.
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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing _____ and know its contents.

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am an Officer a partner _____ a _____ of _____

_____ a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for _____ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on _____, 20____, at Upland _____, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of San Bernardino _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is, _____
Briggs Law Corporation, 99 East "C" Street, Suite 111, Upland, CA 91786

On July 25 _____, 20 05 _____, I served the foregoing document described as _____

JUDGMENT ON PEREMPTORY WRIT OF MANDATE

_____ on all parties _____ in this action

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;
 by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

BY MAIL

* I deposited such envelope in the mail at _____, California.

The envelope was mailed with postage thereon fully prepaid.

As follows I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at 5663 Balboa Avenue, No. 376, San Diego, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on July 25 _____, 20 05 _____, at San Diego _____, California.

*(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, 20____, at _____, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I
 (Federal) declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Cory J. Briggs

Type or Print Name

Signature

*(By MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)
**(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

MAILING LIST

Save Our Community v. City of Rosemead *et al.*
Los Angeles County Superior Court case no. BS093012

Lisa Kranitz
Peter L. Wallin
Wallin, Kress, Reisman and Kranitz
2800 Twenty-Eighth Street, Suite 315
Santa Monica, CA 90405-6205

Attorneys for All Respondents

John C. Nolan
Jennifer M. Guenther
Gresham Savage Nolan & Tilden, P.C.
3750 University Avenue, Suite 250
P.O. Box 1240
Riverside, CA 92502-1240

Attorneys for All Real Parties in Interest