

CIV-131217-CIV-DS1213273-JF-125802



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**Judgment on Misc. Petition - Civil (Unlimited) of  
CITIZENS FOR THE PRESERVATION OF RURAL filed**



NEW FILE

SS  
**SCANNED**

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO CIVIL DIVISION

DEC 17 2013

BY Teresa Warner  
TERESA WARNER, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO**

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7 CITIZENS FOR THE PRESERVATION OF )  
8 RURAL LIVING, )

9 Petitioner, )

10 v. )

11 COUNTY OF SAN BERNARDINO, )

12 Respondent. )

13 )  
14 LAZER BROADCASTING, INC.; and DOES 1 )  
15 to 10, )

16 Real Parties in Interest. )  
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CASE NO.: CIVDS1213273

~~[AMENDED PROPOSED]~~ JUDGMENT

(California Environmental Quality Act;  
San Bernardino County Development Code)

Petition Filed: December 21, 2012

Judge: Honorable Donald Alvarez

Department: S32

1 This matter came on regularly for hearing on August 2, 2013, in Department S32 of this  
2 Court, Honorable Donald Alvarez presiding. Attorneys Jan Chatten-Brown and Josh Chatten-  
3 Brown appeared on behalf of Petitioner Citizens for the Preservation of Rural Living; Bart  
4 Brizzee appeared on behalf of Respondent County of San Bernardino; and Jennifer Guenther  
5 and John Nolan appeared on behalf of Real Party in Interest Lazer Broadcasting, Inc.

6 The Court, having reviewed the record in this matter, the briefs submitted by counsel, and  
7 the arguments of counsel, issued its Ruling on Petition for Writ of Mandate on October 1, 2013,  
8 granting Petitioner's request for a Writ of Mandate.


9  
10 IT IS HEREBY ADJUDGED, DECREED, AND ORDERED that:

- 11 1. Judgment granting a writ of mandate be entered in favor of Petitioner Citizens for the  
12 Preservation of Rural Living. Judgment is so entered because the Court finds that  
13 Respondent committed a prejudicial abuse of discretion and did not comply with the  
14 California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*)  
15 ("CEQA"). The basis for the Judgment is set forth in the Court's Ruling on Petition for  
16 Writ of Mandate, filed October 1, 2013.
- 17 2. A peremptory writ of mandate under seal of this Court shall issue ordering Respondent  
18 County of San Bernardino to set aside and rescind the adoption of the mitigated negative  
19 declaration and approval of the major variance for construction in a fire overlay area and  
20 the conditional use permit for the proposed Project - a monopole antenna and radio  
21 broadcast facility, equipment building, parking space, and security fence.
- 22 3. The County is required to prepare a legally adequate EIR in compliance with CEQA  
23 prior to any further approvals of the proposed Project. Until a legally adequate EIR is  
24 prepared, Respondent and Real Party in Interest, Lazer Broadcasting, Inc. and its  
25 respective agents, officers, employees, and all persons acting on their behalf or in  
26 concert with them, are enjoined from engaging in any vegetation clearing, grading,  
27 construction, subsurface activity, antennae installation activities, telephone and electric

1 utility facilities, or otherwise altering the status quo at the project site. Furthermore,  
2 Lazer Broadcasting, Inc. is ordered to remove the pole that has been placed on the site of  
3 the proposed Project in furtherance of the Project.

- 4 4. This Court shall retain jurisdiction over the proceedings pursuant to Public Resources  
5 Code §21168.9(b) and (c).
- 6 5. Costs and attorneys fees may be claimed pursuant to California Rules of Court Rules  
7 3.1700 and 3.1702.
- 8 6. Petitioner Citizens for the Preservation of Rural Living, as prevailing party, is entitled to  
9 costs in the amount of \$ \_\_\_\_\_, pursuant to Code of Civil Procedure Section 1033.5.
- 10 7. Petitioner Citizens for the Preservation of Rural Living, as prevailing party, is entitled to  
11 apply for attorneys' fees and costs through appropriate noticed motions. This Court  
12 retains jurisdiction to hear such motions and determine the amount of such fees, if any,  
13 pursuant to them. If such a motion is granted, this judgment will be amended to award  
14 the amount of \$ \_\_\_\_\_ in attorneys' fees pursuant to Code of Civil Procedure  
15 Section 1021.5.
- 16 8. Respondent shall file a preliminary return to the peremptory writ no later than 60 days  
17 after the date of the issuance of the peremptory writ, which shall state and demonstrate  
18 that it has complied with this judgment.

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21 Dated: 12/17/13

  
Honorable Donald Alvarez  
JUDGE OF THE SUPERIOR COURT

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**PROOF OF SERVICE**

I am employed by Chatten-Brown & Carstens LLP in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific Coast Highway, Ste. 318, Hermosa Beach, CA . On November 8, 2013, I served the within documents:

**[AMENDED PROPOSED] JUDGMENT**

**VIA UNITED STATES MAIL.** I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that 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. I enclosed the above-referenced document(s) in a sealed envelope or package addressed to the person(s) at the address(es) as set forth below, and following ordinary business practices I placed the package for collection and mailing on the date and at the place of business set forth above.

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

**VIA MESSENGER SERVICE.** I served the above-referenced document(s) by placing them in an envelope or package addressed to the person(s) at the address(es) listed below and provided them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)

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

**VIA ELECTRONIC SERVICE.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the above-referenced document(s) to be sent to the person(s) at the electronic address(es) listed below.

I declare that I am employed in the office of a member of the bar of this court whose direction the 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 November 8, 2013, at Hermosa Beach, California.

  
\_\_\_\_\_  
Cynthia Kellman

1 **SERVICE LIST**

2 Mr. Bart W. Brizzee  
3 County of San Bernardino County Counsel  
4 385 North Arrowhead Ave, 4th Floor  
5 San Bernardino, CA 92415-0140  
6 [BBrizzee@cc.sbcounty.gov](mailto:BBrizzee@cc.sbcounty.gov)

7 Mr. Greg Ramirez  
8 Myers Widders Gibson Jones & Feingold  
9 5425 Everglades St  
10 Ventura, CA 93003  
11 [gramirez@mwgjlaw.com](mailto:gramirez@mwgjlaw.com)

12 Ms. Jennifer Guenther  
13 Gresham Savage  
14 550 E. Hospitality Lane, Suite 300  
15 San Bernardino, CA 92408  
16 [Jennifer.Guenther@greshamsavage.com](mailto:Jennifer.Guenther@greshamsavage.com)

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