

CLAIMS/SUMMONS NO. WRIT OF MANDATE  
SUBPOENA

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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

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Susan Nash (State Bar # 122533)  
Law Office of Susan Nash  
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Attorney for Petitioners/Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

15 SEP 16 PM 4: 14  
RECEIVED  
CITY CLERK  
MORENO VALLEY

**ALBERT THOMAS PAULEK;  
FRIENDS OF THE NORTHERN SAN  
JACINTO VALLEY,**

Petitioners/Plaintiffs,

vs.

**CITY OF MORENO VALLEY; AND  
DOES 1 through 20 inclusive**

Respondent,

**HIGHLAND FAIRVIEW, a privately  
held real estate development  
company, and Does 21 through 50,  
inclusive**

Real Party in Interest

Case No. 201510967

**PETITION FOR WRIT OF MANDATE  
AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

[Code Civil Proc. §§ 1085 and 1094.5; Pub.  
Res. Code § 21000, *et seq.* (California  
Environmental Quality Act)]

Case Designation: CEQA

## INTRODUCTION

- 1  
2 1. In this action, Petitioners and Plaintiffs Albert Thomas Paulek (Paulek) and the  
3 Friends of the Northern San Jacinto Valley (Friends) challenge the August 19,  
4 2015 decision by the Moreno Valley City Council (Respondent) to approve the  
5 World Logistics Center Project (WLC or Project) and certify the Environmental  
6 Impact Report (EIR) for the Project.
- 7  
8 2. The Project evaluated in the Draft EIR (SCH No. 2012021045) covers 3918 acres  
9 and proposes a maximum of 41.4 million square feet of “high-cube logistics”  
10 warehouse distribution uses classified as “Logistics Development” (LD) and  
11 200,000 square feet of warehouse-related uses classified as “Light Logistics” (LL)  
12 on 2,710 acres with the WLC Specific Plan. Project refers to all related  
13 development and planning activities currently proposed by Highland Fairview  
14 (Real Party in Interest) in the eastern end of the City of Moreno Valley. The  
15 Project site is generally located south of SR-60, east and north of Mystic Lake and  
16 the San Jacinto Wildlife Area managed by the California Department of Fish and  
17 Wildlife (CDFW) in Trust for the People of California. The Draft EIR “Project  
18 Area” refers to the entire 3,918-acre area covered by the EIR, which encompasses  
19 (a) the Specific Plan Area (2,710 acres); (b) the CDFW Conservation Buffer Area  
20 (910 acres) (c) the Public Facilities Land Area (194 acres); and (d) the Off-site  
21 Improvement Area (104 acres).
- 22  
23 3. Over 30 years ago, the SJWA was established as a mitigation site for the State  
24 Water Project, the transformative project that brought northern California water  
25 to southern California. Over the ensuing years the State of California’s Wildlife  
26 Conservation Board continued to acquire lands and secure a long-term recycled  
27 water source for the new wildlife area. Today, the SJWA includes 19,000 acres of  
28 plant and animal habitats managed by the CDFW. The SJWA includes the 10,000  
acre Davis Road Unit, which shares a common property line with the southern  
boundary of the WLC Specific Plan and the easterly 9,000 acre Potrero Creek  
Unit. The SJWA represents over a \$90 million dollar public investment in wildlife  
conservation and has developed into the most significant state wildlife  
conservation site in southern California.
4. The Riverside County Habitat Conservation Agency (RCHCA) was formed in 1990

1 for the purpose of planning, acquiring and managing habitat for the Stephens'  
2 kangaroo rat (SKR) and other endangered, threatened and candidate species. The  
3 RCHCA is a Joint Powers Agreement agency. The City of Moreno Valley is a  
4 signatory to the SKR Incidental Take Permit [Implementation Agreement (IA)]  
5 allowing the "take" of SKR and designating the SJWA a "Core Reserve" [SKR  
6 Conservation Area] pursuant to the federal Endangered Species Act, 16 U.S.C.  
7 §1531 et seq. and the State Natural Community Conservation Planning Act [Fish  
8 and Game Code §§ 2800-2835).

- 9 5. The Western Riverside County Regional Conservation Authority (RCA) was  
10 created in 2004 to implement the Multiple Species Habitat Conservation Plan  
11 (MSHCP) protecting 146 native species of plants and animals. The City of Moreno  
12 Valley is a signatory to the MSHCP Incidental Take Permit [Implementation  
13 Agreement (IA)] allowing the "take" of MSHCP covered plants and animals and  
14 designating the SJWA "Conserved Habitat" pursuant to the federal Endangered  
15 Species Act, 16, U.S.C. § 1531 et. Seq. and the state Natural Community  
16 Conservation Planning Act (Fish and Game Code §§ 2800-2835).
- 17 6. The CEQA review of the Project recognized numerous significant impacts  
18 resulting from the construction and subsequent operation of the WLC Specific  
19 Plan. The Specific Plan proposes a massive warehouse development immediately  
20 adjacent to the environmentally sensitive public lands of the SJWA and Lake  
21 Perris State Recreation Area. These public lands are now designated "Core  
22 Reserves" and "Conserved Habitat" under the SKRHCP and the MSHCP.
- 23 7. Instead of disclosing and analyzing the impacts on the environment in order to  
24 address the Project's significant impacts, the EIR fails to provide a complete and  
25 accurate depiction of the Project and its environmental setting. As a result of the  
26 EIR's flawed analysis, environmental impacts were dismissed without substantial  
27 evidence and contrary to the California Environmental Quality Act (Pub. Res.  
28 Code § 21000 et seq. "CEQA")
8. The EIR also fails to follow the substantive mandate of CEQA and neglects to  
require adoption of feasible mitigation measures and alternatives that would  
lessen the Project's significant impacts, especially those related to Biological  
Resources.

1 9. Petitioners accordingly request that this Court issue a writ of mandate under Cal.  
2 Code of Civil Procedure §§ 1085 and 1094.5 directing Respondent to vacate and  
3 set aside the approval of the Project and certification of the EIR. This request is  
4 based on the following allegations:

#### 5 **JURISDICTION AND VENUE**

- 6 10. This Court has jurisdiction over this action pursuant to sections 1085, 1094.5, 187,  
7 and 526 of the California Code of Civil Procedure, and sections 21168 and 21168.5  
8 of the Public Resources Code.
- 9 11. Venue for this action properly lies in the Riverside County Superior Court because  
10 Respondent and the proposed site of the Project are located in Riverside County.

#### 11 **THE PARTIES**

- 12 12. Petitioner/Plaintiff ALBERT THOMAS PAULEK (Paulek) is a retired (28.5 years)  
13 Department of Fish and Wildlife Associate Wildlife Biologist and was the area  
14 manager of the Department's SJWA from 1991 to 2006. Paulek is a Certified  
15 Wildlife Biologist having extensive knowledge and experience working with the  
16 wildlife resources and conservation programs of western Riverside County and the  
17 state of California. Paulek participated in the CEQA review of the Project as an  
18 individual and as the Conservation Chair of the Friends of the Northern San  
19 Jacinto Valley. Petitioners seek to compel the City of Moreno Valley to properly  
20 implement its CEQA duties to avoid and mitigate Project impacts to the plant and  
21 animal resources of western Riverside County and the state of California and to  
22 conserve existing and future wildlife habitat values of the San Jacinto Wildlife  
23 Area.
- 24 13. Petitioner/Plaintiff the FRIENDS OF THE NORTHERN SAN JACINTO VALLEY  
25 (Friends) is a California non-profit conservation group dedicated to preserving  
26 and protecting the northern San Jacinto Valley, the San Jacinto Wildlife Area, and  
27 surrounding environmental resources. Friends' members reside and recreate in  
28 the San Jacinto Valley area of Riverside County. The organization sponsors  
regular nature walks and environmental restoration activities at the SJWA and  
works to influence a wide variety of land use issues that affect the SJWA, Mystic

1 Lake, and the northern San Jacinto Valley.

2 14. Petitioners presented written comments and objections during the administrative  
3 hearings on this matter being challenged in this petition. Petitioners and their  
4 members would be directly, adversely and irreparably affected if the Project  
5 proceeds. Petitioners would continue to be prejudiced by the Project and its  
6 components, as described herein, until and unless this Court provides the relief  
7 prayed for in this petition.

8 15. Respondent CITY OF MORENO VALLEY was incorporated in 1984 as a general  
9 law city. A council-manager government governs the City. The City is divided  
10 into five districts, each of which elects a representative to the city council. On  
11 August 19, 2015, the Moreno Valley City Council voted to approve the World  
12 Logistics Center Specific Plan and certified the Final EIR for the Project.

13 16. Does 1 through 20, inclusive are persons presently unknown to Petitioners, which  
14 are subdivisions or officers of the City or state of California, who are responsible  
15 for the actions described herein or for carrying out the functions of the city or  
16 state and who may be affected by this litigation. Petitioners will amend this  
17 petition to specifically identify each respondent as required and as the capacity  
18 and identity of each respondent becomes known.

19 17. Petitioners are informed and believe and based thereon allege that the Real Party  
20 in Interest HIGHLAND FAIRVIEW is a privately held real estate development  
21 company specializing in large scale industrial, commercial, and residential  
22 developments. Iddo Benzeevi is the President/Chief Executive of Highland  
23 Fairview. Highland Fairview is the developer of the Project and is headquartered  
24 in the City of Moreno Valley. Highland Fairview is the recipient of the August 19,  
25 2015, Moreno Valley City Council approval of the Project.

26 18. Does 21-50, inclusive, are persons presently unknown to petitioners and who have  
27 a legal interest in the project being challenged herein, or are the property owners,  
28 developers, or others with a legal or equitable interest in the real property at issue  
herein. Petitioner will amend this petition to specifically identify each such  
respondent as required and as capacity and identity of each such respondent  
becomes known.

## GENERAL ALLEGATIONS

19. Petitioners hereby re-allege and incorporate the allegations set forth in paragraphs 1 through 18 inclusive.
20. The public lands of the San Jacinto Wildlife Area immediately south and contiguous with the WLC Specific Plan southern boundary were acquired by the state Wildlife Conservation Board (WCB) in fee simple in May 2001. The WCB minutes of May 18, 2001<sup>1</sup> indicates the acquisition of these public lands was funded using the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12).
21. The May 18, 2001 WCB minutes indicate funding for these wildlife conservation lands was made pursuant to Proposition 12 § 5096.350 (a)(3) T & E for the restoration or acquisition from a willing seller of habitat for threatened and endangered species or for the purpose of promoting the recovery of those species. Proposition 12 made the funds available for expenditure by the WCB for “acquisition, development, rehabilitation, restoration and protection of real property benefiting fish and wildlife, for the acquisition, restoration, or protection of habitat that promotes the recovery of threatened, endangered or fully protected species, maintain the genetic integrity of wildlife populations and serves as corridors linking otherwise separate habitat to prevent habitat fragmentation...”
22. The Western Riverside County Regional Conservation Authority (RCA) was created in 2004 to implement the Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP impetus is to assure the conservation of 146 species of plants and animals on designated reserve lands [the SJWA is the most significant MSHCP core reserve] in order to mitigate the “take” [loss] of species incidental to the development of lands not designated for MSHCP conservation. Similarly, the SKR Habitat Conservation Plan [state and federal endangered species “take” permits] includes the SJWA as a primary “core” reserve to mitigate the incidental habitat impact resulting from the development of lands not designated for SKR conservation.
23. Of the 1.26 million acres covered by the MSHCP, 500,000 acres are designated for

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<sup>1</sup> Submitted with Petitioner’s comment letters on the Draft EIR, April 5, 2013 and the Final EIR, June 9, 2015, for inclusion in the administrative record.

1 wildlife conservation. Of that half million acres, 347,000 acres were already  
2 conserved as public or quasi-public land. The acquisition of the remaining  
3 153,000 acres [additional reserve lands] for MSHCP wildlife conservation is the  
4 primary function of the RCA. After the 2004 approval of the MSHCP, the 2001  
5 WCB Proposition 12 land acquisitions of approximately 1,000 acres were  
6 immediately included in the MSHCP Conservation Area and Counted toward the  
7 Additional Reserve Lands.

8 24. In February 2012 the CEQA Notice of Preparation (NOP) of a Draft EIR was  
9 circulated to the public, Trustee and Responsible agencies for comment.  
10 Petitioner's March 22, 2012 NOP response letter advised the City of Moreno  
11 Valley that the NOP was deceptive in that the WLC Specific Plan wrongly  
12 identified the public lands acquired by the WCB in May 2001 as the "CDFW  
13 Conservation Buffer Area". Similarly, the March 22, 20112 NOP response letter  
14 from the California Department of Fish and Game<sup>2</sup>, the state agency having  
15 jurisdiction by law over fish and wildlife resources, advised the City of Moreno  
16 Valley regarding the defective Project description, the need for compliance with  
17 the requirements of CEQA, the MSHCP, the SKRHCP and the incidental "take"  
18 permits for endangered, threatened, and/or candidate species (Fish and Game  
19 Code § 2800 et seq.)

20 25. The Draft EIR was released for public and agency review in February 2013. The  
21 CEQA review presented by the City of Moreno Valley and the Project proponent  
22 fashioned straw man fallacies using the "CDFW Conservation Buffer Area" and  
23 the SJWA "Open Space" designation. In doing so they sought to avoid addressing  
24 the mandatory significant impacts to biological resources the WLC will have. The  
25 straw man fallacies were presented in the EIR to avoid the required CEQA  
26 consideration of significant impacts to the public lands of the SJWA, the MSHCP,  
27 the SKRHCP, and the wildlife conservation mandates of the state of California.  
28 The Final EIR used a different Project boundary line to analyze impacts to the  
29 SJWA.

30 26. Petitioners have exhausted all administrative remedies by submitting written  
31 comments to the City of Moreno Valley prior to the Project's approval to request

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<sup>2</sup> The Department's name was changed to Fish and Wildlife on January 1, 2013.

1 compliance with CEQA and the completion of full and adequate environmental  
2 review. All issues raised in this petition were raised before Respondent by  
3 Petitioners, other members of the public, or public agencies prior to the approval  
4 of the project.

5 27. Petitioners have complied with Public Resources Code section 21167.5 by prior  
6 service of a notice upon the City of Moreno Valley indicating its intent to file this  
7 petition. Proof of Service of this notification with the notification, is attached as  
8 Exhibit A.

9 28. Petitioners have elected to prepare the record of proceedings in the above-  
10 captioned proceedings or to pursue an alternative method of record preparation  
11 pursuant to Pub. Rec. Code § 21167.6(b)(2). Notification of the Election to  
12 Prepare the Administrative Record is attached as Exhibit B.

13 29. Petitioners have served a copy of this Petition on the Attorney General's office to  
14 give notice of Petitioner's intent to bring this proceeding as a private attorney  
15 general under Code of Civil Procedure section 102`1.5, which notice is attached as  
16 Exhibit C.

17 30. Petitioner's have filed and served a request for Hearing and thus complied with  
18 Pub. Res. Code § 21167.4. A copy of that notice is attached as Exhibit D.

19 31. This petition is timely filed in accordance with Public Resources Code section  
20 21167 and CEQA Guidelines § 15112.

21 32. Respondents have abused their discretion and failed to act as required by law in  
22 the following ways:

### 23 **FIRST CAUSE OF ACTION**

#### 24 **VIOLATION OF CEQA (PUBLIC RESOURCES CODE § 21000, *et seq.*)**

##### 25 **The City of Moreno Valley did not comply with CEQA**

26 33. Petitioners hereby incorporate by reference each and every allegation set forth  
27 above.

28 34. CEQA requires a lead agency for a project to prepare an EIR that complies with  
the requirements of the statute. The lead agency must also provide for public  
review and comment on the project and associated environmental documentation.  
An EIR must provide sufficient environmental analysis such that decision makers

1 can intelligently consider environmental consequences when acting on proposed  
2 projects.

3 35. Respondents violated CEQA by certifying an EIR for the project that is inadequate  
4 and fails to comply with CEQA. Respondents:

- 5 a. Failed to adequately disclose or analyze the project's impacts on the  
6 environment, including but not limited to, the project's impacts on biological  
7 resources, the San Jacinto Wildlife Area, the MSHCP and the SKRHCP.  
8 b. Failed to provide a stable, consistent and adequate description of the project,  
9 which prohibited an accurate depiction of the project's impacts on the  
10 environment.  
11 c. Failed to provide an adequate description of the existing environmental  
12 settings of the project, vicinity, and regional context.  
13 d. Failed to adopt a consistent and appropriate environmental "baseline" for  
14 analysis of the project's environmental impacts that contributed to the EIR's  
15 flawed analysis of environmental impacts.  
16 e. Failed to adequately identify and analyze the project's biological resource  
17 impacts—including direct, indirect and cumulative impacts on the SJWA, the  
18 MSHCP, the SKRHCP and wildlife resources.  
19 f. Failed to adequately identify, analyze and adopt all feasible mitigation  
20 measures and/or alternatives that would minimize direct, indirect and  
21 cumulative impacts on biological resources.  
22 g. Improperly relied upon regional plans to avoid full disclosure and mitigation  
23 of the project's impacts.  
24 h. Improperly deterred impact analysis and mitigation measures in  
25 contravention of CEQA's requirement that mitigation measures be clearly  
26 defined and enforceable.  
27 i. Failed to adopt feasible mitigation measures and alternatives to reduce or  
28 avoid significant impacts in direct contravention of CEQA's substantive  
mandate that all feasible mitigation measures be adopted to avoid or reduce a  
project's significant and potentially significant impacts.  
j. Failed to consider a reasonable range of alternatives by improperly dismissing  
feasible alternatives, including those recommended by the public, trustee and

1 responsible agencies and relying upon an improperly narrow list of project  
2 objectives to justify the elimination of feasible alternatives.

3 k. Failed to properly disclose, analyze or mitigate conflicts with existing local,  
4 state and federal laws.

5 l. Failed to adequately respond to comments submitted by the public and  
6 governmental agencies during review of the EIR.

7 m. Failed to recirculate the EIR, or any portion of the EIR, despite the availability  
8 of significant new information within the meaning of Public Resources Code  
9 section 21092.1 and CEQA Guidelines § 15088.5.

10 n. Failed to adopt an adequate Mitigation Monitoring or Reporting Program in  
11 order to assure that the mitigation measures and program revisions identified  
12 in the EIR are implemented.

13 o. Failed to adopt adequate findings that alternatives to the project and proposed  
14 mitigation measures and alternatives that would have avoided or lessened the  
15 significant impacts of the project were infeasible and failed to disclose the  
16 readily available mitigation measures and alternatives that would meet the  
17 basic project objectives.

18 36. As a result of the foregoing defects, Respondent prejudicially abused their  
19 discretion by certifying an EIR that does not comply with CEQA and by approving  
20 the project in reliance thereon. Accordingly, Respondent's certification of the EIR  
21 and approval of the project must be set aside.  
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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Petitioners pray for relief as follows:

- 3 1. For alternative and preemptory writs of mandate, commanding Respondent:
- 4 A. To vacate and set aside all approvals of the Project.
- 5 B. To suspend any and all activity pursuant to Respondent's approval of the
- 6 Project until Respondent has complied with all requirements of CEQA as are
- 7 directed by this Court pursuant to Public Resources § 21168.9
- 8 2. For a stay, temporary restraining order, preliminary injunction, and permanent
- 9 injunction prohibiting any actions by Respondent pursuant to Respondent's
- 10 approval of the Project until Respondent has fully complied with all requirements
- 11 of CEQA.
- 12 3. For a declaration that the Project Approval is inconsistent with CEQA.
- 13 4. For costs of suit.
- 14 5. For Attorney fees pursuant to the Code of Civil Procedure section 1021.5; and
- 15 6. For such other and further relief as the Court deems just and proper.

16 Dated: September 15, 2015

17 By Susan Nash

18 Susan Nash

19 Attorney for Petitioners and Plaintiffs

20 ALBERT THOMAS PAULEK

21 FRIENDS OF THE NORTHERN SAN JACINTO VALLEY

22

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**VERIFICATION**

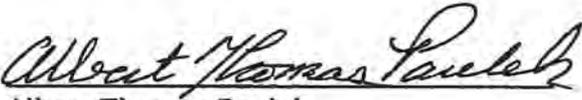
I, Albert Thomas Paulek, declare as follows:

I am the Petitioner in this action.

I have read the following Petition for Writ of Mandate and Complaint for Injunctive Relief and know the contents thereof. All facts alleged in the above petition are true of my own knowledge, except as to matters stated on information and belief.

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

Executed on this 14<sup>th</sup> day of September, 2015 in Idyllwild, California.

  
Albert Thomas Paulek

# **EXHIBIT A**

September 9, 2015

**Via U. S. Mail**

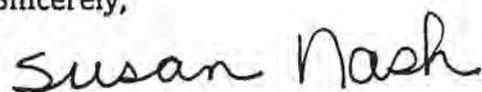
Moreno Valley City Council  
City of Moreno Valley  
14177 Frederick Street  
P.O. Box 88005  
Moreno Valley, CA 92552

**Re: Approval of the World Logistics Center Project and Certification of the Environmental Impact Report (SCH No. 2012021045).**

This letter is to notify the City that Albert Thomas Paulek, and the Friends of the Northern San Jacinto Valley will file suit against the City of Moreno Valley for failure to observe the requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. and the CEQA Guidelines, California Code of Regulations section 15000 et seq. in the Approval of the above referenced CEQA Project for the World Logistics Center.

This notice is given pursuant to Public Resources Code section 21167.5.

Sincerely,



Susan L. Nash  
Attorney at Law  
P. O. Box 4036  
Idyllwild, California 92549  
Voice: (909) 228-6710  
Email: snash22@earthlink.net

**DECLARATION OF SERVICE**

I am employed in the County of Riverside, state of California. I am over the age of eighteen, and my business address is Post Office Box 4036, Idyllwild, California 92549. On this date, I served the following document(s):

**Letter to: Moreno Valley City Council, City of Moreno Valley**

**Re: Notice of Intent to file Suit pursuant to Public Resources Code section 21167.5**

On the party identified below in the following manner:

**By First Class Mail.** I am readily familiar with our office's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. I placed a true and correct copy of the document listed above in a sealed envelope addressed as shown below and affixed first-class postage. The envelope was deposited with the U.S. Postal Service on this date, in the ordinary course of business.

Moreno Valley City Council  
City of Moreno Valley  
14177 Frederick Street  
P.O. Box 88005  
Moreno Valley, CA 92552

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on September 9, 2015 at Idyllwild, California.



---

Susan Nash

# **EXHIBIT B**

Susan Nash (State Bar # 122533)  
Law Office of Susan Nash  
P.O. Box 4036  
Idyllwild CA 92549  
Telephone: (909) 228-6710  
Fax: (951) 659-2718  
E-mail: [snash22@earthlink.net](mailto:snash22@earthlink.net)

*Attorney for Petitioners/Plaintiffs*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

**ALBERT THOMAS PAULEK;  
FRIENDS OF THE NORTHERN SAN  
JACINTO VALLEY,**

Petitioners/Plaintiffs,

**vs.**

**CITY OF MORENO VALLEY ; and  
DOES 1 through 20, inclusive.**

Respondents,

**HIGHLAND FAIRVIEW, a privately held  
real estate development company, and Does  
21 through 50, inclusive**

Real Party in Interest

Case No.

**NOTICE OF ELECTION TO PREPARE  
ADMINISTRATIVE RECORD**

California Environmental Quality Act  
(CEQA) [Pub. Res. Code § 21167.6]

Petitioners A.T. Paulek and Friends of the Northern San Jacinto Valley elect to prepare the record of proceedings in the above-captioned proceeding, or alternatively, to pursue an alternative method of record preparation pursuant to Public Resources Code Section 21167.6(b)(2).

DATED: September 15, 2015

By: *Susan Nash*

Susan Nash  
Attorney for Petitioners

**DECLARATION OF SERVICE**

*Albert Thomas Paulek; Friends of the Northern San Jacinto Valley v. City of Moreno Valley & Highland Fairview*

I am employed in the County of Riverside, state of California. I am over the age of eighteen and my business address is Post Office Box 4036, Idyllwild, CA 92549. On this date, I served the following document(s).

On September 15, 2015, I served a true and correct copy of the **NOTICE OF ELECTION TO PREPARE ADMINISTRATIVE RECORD** for the above captioned action by placing a true copy thereof in a sealed envelop, addressed as shown below:

**BY MAIL:** Such envelope(s) were sealed and placed for collection and mailing following ordinary business practices addressed to:

Moreno Valley City Council  
City of Moreno Valley  
14177 Frederick Street  
P.O. Box 88005  
Moreno Valley, CA 92552

Highland Fairview  
14225 Corporate Way  
Moreno Valley, CA 92553

Executed on September 15, 2015 in Riverside, California.

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

Susan Nash

*Susan Nash*

# **EXHIBIT C**

September 15, 2015

Office of the Attorney General  
Attn. Environmental/CEQA Filing  
1300 "I" Street  
P.O. Box 944255  
Sacramento, CA 94244-2550

**Re: Notice of Commencement of Legal Action Alleging Environmental Harm**

The enclosed Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Albert Thomas Paulek and Friends of the Northern San Jacinto Valley v. City of Moreno Valley is submitted to your office pursuant to Code of Civil Procedure section 388 and Public Resources Code section 21167.7. This case is being pursued under the private attorney general provisions of the Code of Civil Procedure section 1021.5

The suit is being brought challenging the City of Moreno Valley Approval of the World Logistics Center Project under the California Environmental Quality Act (CEQA).

Petitioners allege environmental harm that could affect the public generally and the natural resources of the state.

Thank you for your attention to this matter.

Sincerely,

*Susan Nash*

Susan Nash (SBN 122533)  
Attorney at Law  
P.O. Box 4036  
Idyllwild, CA 92549  
Voice: (909) 228-6710  
Email: snash22@earthlink.net

**EXHIBIT D**

Susan Nash (State Bar # 122533)  
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E-mail: [snash22@earthlink.net](mailto:snash22@earthlink.net)

*Attorney for Petitioners/Plaintiffs*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

**ALBERT THOMAS PAULEK;  
FRIENDS OF THE NORTHERN SAN  
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Petitioners/Plaintiffs,

**vs.**

**CITY OF MORENO VALLEY; and  
DOES 1 through 20, inclusive.**

Respondents,

**HIGHLAND FAIRVIEW, a privately held  
real estate development company; and Does  
21 through 50, inclusive**

Real Party in Interest

Case No.

**REQUEST FOR HEARING**

Case Designation: **CEQA**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that, pursuant to Public Resources Code section 21167.4, Petitioners A. T. PAULEK, FRIENDS OF THE NORTHERN SAN JACINTO VALLEY (hereafter collectively "Petitioners") hereby request a hearing on the ultimate merits of Petitioner's Petition for Writ of Mandate, which alleges violations of the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* This request is being filed with the Court and served on the parties.

Following the filing of this Request for Hearing, any party may apply to the Court to establish a briefing schedule and hearing date for the hearing. *Leavitt v. County of Madera* (2004) 123 Cal App. 1502, 1517, 1523; *Ass'n for Sensible Development at Northstar, Inc. v. Placer County* (2004) 122 Cal. App. 4<sup>th</sup> 1289, 1294-95. The hearing date, time, and place, and the briefing schedule for the hearing are to be established by the Court following such application by any party. *Id.*

DATED: September 15, 2015

Respectfully submitted,

By:

*Susan Nash*

Susan Nash

Attorney for Petitioners

A.T. Paulek

Friends of the Northern

## DECLARATION OF SERVICE

*Albert Thomas Paulek; Friends of the Northern San Jacinto Valley v. City of Moreno Valley & Highland Fairview*

I am employed in the County of Riverside, state of California. I am over the age of eighteen and my business address is Post Office Box 4036, Idyllwild, CA 92549. On this date, I served the following document(s).

On September 15, 2015, I served a true and correct copy of the **REQUEST FOR HEARING** for the above captioned action by placing a true copy thereof in a sealed envelop, addressed as shown below:

BY MAIL: Such envelope(s) were sealed and placed for collection and mailing following ordinary business practices addressed to:

Moreno Valley City Council  
City of Moreno Valley  
14177 Frederick Street  
P.O. Box 88005  
Moreno Valley, CA 92552

Highland Fairview  
14225 Corporate Way  
Moreno Valley, CA 92553

Executed on September 15, 2015 in Riverside, California.

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

Susan Nash

*Susan Nash*

**DECLARATION OF SERVICE**

*Albert Thomas Paulek; Friends of the Northern San Jacinto Valley v.  
City of Moreno Valley; Highland Fairview*

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On September 15, 2015, I served a true and correct copy of the **PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** for the above captioned action by placing a true copy thereof in a sealed envelop, addressed as shown below:

BY MAIL: Such envelope(s) were sealed and placed for collection and mailing following ordinary business practices addressed to:

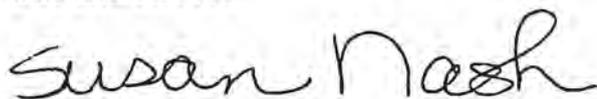
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Moreno Valley, CA 92552

Highland Fairview  
14225 Corporate Way  
Moreno Valley, CA 92553

Office of the Attorney General  
Attn. Environmental/CEQA Filing  
1300 "I" Street  
P.O. Box 944255  
Sacramento, CA 94244-2550

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Susan Nash

Susan Nash (State Bar # 122533)  
Law Office of Susan Nash  
P.O. Box 4036  
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Telephone: (909) 228-6710  
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E-mail: [snash22@earthlink.net](mailto:snash22@earthlink.net)

*Attorney for Petitioners/Plaintiffs*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

**ALBERT THOMAS PAULEK;  
FRIENDS OF THE NORTHERN SAN  
JACINTO VALLEY,**

Petitioners/Plaintiffs,

vs.

**CITY OF MORENO VALLEY; and  
DOES 1 through 20, inclusive.**

Respondents,

**HIGHLAND FAIRVIEW, a privately held  
real estate development company; and Does  
21 through 50, inclusive**

Real Party in Interest

Case No. *RIC 1510967*

**REQUEST FOR HEARING**

Case Designation: **CEQA**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

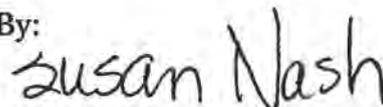
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DATED: September 15, 2015

Respectfully submitted,

By:



Susan Nash

Attorney for Petitioners

A.T. Paulek

Friends of the Northern

**DECLARATION OF SERVICE**

*Albert Thomas Paulek; Friends of the Northern San Jacinto Valley v. City of Moreno Valley & Highland Fairview*

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Susan Nash

*Susan Nash*

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*Attorney for Petitioners/Plaintiffs*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

**ALBERT THOMAS PAULEK;  
FRIENDS OF THE NORTHERN SAN  
JACINTO VALLEY,**

Petitioners/Plaintiffs,

**vs.**

**CITY OF MORENO VALLEY ; and  
DOES 1 through 20, inclusive.**

Respondents,

**HIGHLAND FAIRVIEW, a privately held  
real estate development company, and Does  
21 through 50, inclusive**

Real Party in Interest

Case No. *RIC 1510967*

**NOTICE OF ELECTION TO PREPARE  
ADMINISTRATIVE RECORD**

California Environmental Quality Act  
(CEQA) [Pub. Res. Code § 21167.6]

Petitioners A.T. Paulek and Friends of the Northern San Jacinto Valley elect to prepare the record of proceedings in the above-captioned proceeding, or alternatively, to pursue an alternative method of record preparation pursuant to Public Resources Code Section 21167.6(b)(2).

DATED: September 15, 2015

By: *Susan Nash*

Susan Nash  
Attorney for Petitioners

**DECLARATION OF SERVICE**

*Albert Thomas Paulek; Friends of the Northern San Jacinto Valley v. City of Moreno Valley & Highland Fairview*

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Susan Nash

*Susan Nash*