

City Attorney

SUMMONS 15 SEP 24 PM 2:22
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: CITY OF MORENO VALLEY; and DOES 1-10, (AVISO AL DEMANDADO): inclusive, Respondents; HF PROPERTIES, a California general partnership, SUNNYMEAD PROPERTIES, a Delaware general partnership; THEODORE PROPERTIES PARTNERS, a Delaware general partnership; 13451 THEODORE, LLC, a California limited liability company; HL PROPERTY PARTNERS, a Delaware general partnership; HIGHLAND FAIRVIEW OPERATING CO., a general partnership and ROES 11-20, inclusive, Real Parties in Interest

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, an air quality management district

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
SEP 18 2015
L. VILLANUEVA

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumple con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

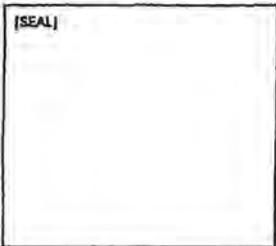
The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of the State of California
County of Riverside
4050 Main Street
Riverside, CA 92501

CASE NUMBER:
(Número de caso) **RIC 1511213**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Bradley R. Hogin - SBN 140372 (714) 558-7000 (714) 835-7787
Ricia R. Hager - SBN 234052
Woodruff, Spradlin & Smart; 555 Anton Blvd., Suite 1200
Santa Ana, CA 92626

DATE: **SEP 18 2015** Clerk, by **L. VILLANUEVA**, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): **City of Moreno Valley**
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify): **416.50**
- by personal delivery on (date): **9-24-15** **(Public Entity)**

CITY CLERK
MURENO VALLEY
SEP 15 2015

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

15 SEP 24 PM 2: 22

NOTICE OF DEPARTMENT ASSIGNMENT

CASE NO. RIC1511213

vs

TO:

This case has been assigned to the HONORABLE Judge Craig G. Riemer in Department 05 for all purposes.

Department 5 is located at 4050 Main Street, Riverside, CA 92501.

Any disqualification pursuant to CCP section 170.6 shall be filed in accordance with that section.

The filing party shall serve a copy of this notice on all parties.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See California Rules of Court, rule 1.100.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing NOTICE on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Date: 09/18/15

by: _____

LOURDES VILLANUEVA, Deputy Clerk

COPY

Fee Exempt Per Gov. Code § 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 18 2015

L. VILLANUEVA

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12 Attorneys for Petitioner South Coast
Air Quality Management District

13
14 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

15 IN AND FOR THE COUNTY OF RIVERSIDE

16 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT, an air quality
17 management district,

18 Petitioner,

19 v.

20 CITY OF MORENO VALLEY; and DOES
1-10, inclusive,

21 Respondents.

22 HF PROPERTIES, a California general
23 partnership, SUNNYMEAD PROPERTIES,
a Delaware general partnership; THEODORE
24 PROPERTIES PARTNERS, a Delaware
general partnership; 13451 THEODORE,
25 LLC, a California limited liability company;
HL PROPERTY PARTNERS, a Delaware
26 general partnership; HIGHLAND
FAIRVIEW OPERATING CO., a general
27 partnership and ROES 11-20, inclusive,

28 Real Parties in Interest.

CASE NO.: **RIC 1511213**

**PETITION FOR WRIT OF
MANDATE; REQUEST FOR
INJUNCTIVE RELIEF**

**[California Environmental Quality Act,
Public Resources Code §§ 21168,
21168.5; Code of Civil Procedure §§ 526,
527, 1085, 1094.5; Civil Code § 3422]**

WOODRUFF, SPRADLIN
& SMART
ATTORNEYS AT LAW
COSTA MESA

1 The South Coast Air Quality Management District (the "District") respectfully
2 petitions this Court for a Writ of Mandate directed to the City of Moreno Valley ("City").
3 The District alleges as follows:

4 NATURE OF THE CASE

5 1. This Petition challenges action taken by the City in approving the World
6 Logistics Center Project ("Project") and approving the World Logistics Center Programmatic
7 Environmental Impact Report, State Clearinghouse No. 2012021045 ("Program EIR"). The
8 City prepared and approved the Program EIR in purported compliance with the California
9 Environmental Quality Act, Public Resources Code Sections 21000, *et seq.* ("CEQA").

10 2. The City approved the Project and certified the Program EIR on August 19,
11 2015. The Project and the Program EIR are described in the City's Notices of Determination
12 filed with the County Clerk on August 20, 2015 and August 26, 2015. True copies of the
13 Notices of Determination are attached hereto as Exhibit "A."

14 3. The City's decisions to certify the Program EIR and approve the Project were
15 unlawful because the City failed to (i) consider adequately the Project's potential adverse
16 environmental impacts; (ii) consider adequately and/or adopt feasible mitigation measures to
17 reduce or avoid significant impacts; (iii) adopt an adequate mitigation reporting or
18 monitoring program; (iv) adequately consider or adopt feasible alternatives; (v) adequately
19 respond in writing to significant points raised during the environmental review process; or
20 (vi) adopt legally sufficient findings of approval for the Project.

21 PARTIES

22 4. The District is an air quality management district organized and existing under
23 Chapter 5.5 of Part 3, Division 26 of the California Health & Safety Code, Sections 40440 *et*
24 *seq.*

25 5. The City is a municipal corporation organized under the laws of the State of
26 California. The City exercises land use authority within its jurisdiction. The City has the
27 authority to, among other things, adopt and amend its general plan, adopt and amend specific
28 plans, adopt zoning requirements, issue land use permits, and enter into development

1 agreements.

2 JURISDICTION AND VENUE

3 6. This Court has jurisdiction to issue a peremptory writ of mandate under either
4 (i) Code of Civil Procedure section 1094.5 and Public Resources Code section 21168, or
5 (ii) Code of Civil Procedure section 1085 and Public Resources Code section 21168.5.

6 7. Venue is proper in this court because the cause of action arose in Riverside
7 County. The Project is located in Riverside County, and will have adverse environmental
8 impacts in Riverside County, among other places.

9 STANDING

10 8. The District has standing to assert the claims raised in this Petition. As
11 explained below, the District plays a key role in implementing both the federal Clean Air Act
12 (“Federal Act”) (42 U.S.C. sections 7401 *et seq.*) and the California Clean Air Act
13 (“California Act”) (codified in Stats. 1988, ch. 1568) within the “South Coast Air Basin”
14 (“South Coast Basin” or “Basin”). Thus, the District is beneficially interested in this matter
15 and will be harmed by implementation of the Project. The District also has “public interest
16 standing” insofar as it seeks, through this litigation, to obtain the enforcement of laws
17 enacted for the public interest. (*See, Save the Plastic Bag Coalition v. City of Manhattan*
18 *Beach* (2011) 52 Cal.4th 155, 166.)

19 GENERAL ALLEGATIONS

20 The District’s Role in Protecting Air Quality

21 9. The Federal Act is designed to attain compliance with the National Ambient
22 Air Quality Standards (“NAAQS”). (42 U.S.C. § 7409.) The U.S. Environmental Protection
23 Agency (“EPA”) has adopted NAAQS for certain “criteria” pollutants. (40 C.F.R. Part 50.)
24 For planning purposes, EPA has divided the country into separate “air quality control
25 regions.” (42 U.S.C. § 7407; 40 C.F.R. Part 81.) EPA must determine whether each air
26 quality region is “attainment” or “nonattainment” of the NAAQS for each criteria pollutant.
27 (42 U.S.C. § 7407(d)(4); 42 U.S.C. § 7501(2).) Once a region is designated nonattainment,
28 the Federal Act requires states to prepare a “state implementation plan” (“SIP”). (42 U.S.C.

1 § 7410.) Each SIP must provide for (1) "implementation of all reasonably available control
2 measures as expeditiously as practicable," and (2) the attainment of the NAAQS. EPA must
3 review and approve each proposed SIP. (42 U.S.C. § 7410(a)(1).)

4 10. The California Act sets forth a parallel state program administered by the
5 California Air Resources Board ("CARB"). The California Act is designed to attain
6 compliance with the California Ambient Air Quality Standards ("CAAQS") within specified
7 "air quality basins." (Health & Saf. Code § 39606.) For the most part, CARB's air quality
8 basins have the same boundaries as EPA's air quality control regions. Like EPA under the
9 Federal Act, CARB must determine whether each air quality basin is attainment or
10 nonattainment of the CAAQS for each criteria pollutant. (Health & Saf. Code § 39608.) An
11 "attainment plan" must be prepared for each nonattainment region. (Health & Saf. Code §
12 40911.) Like federal SIPs, attainment plans must demonstrate how nonattainment basins
13 will achieve and maintain the CAAQS. (Health & Saf. Code § 40913.) CARB must review
14 and approve each attainment plan. (Health & Saf. Code § 40911.)

15 11. The South Coast Air Basin is both an air quality control region under the
16 Federal Act and an air quality basin under the California Act. The Basin consists of the
17 urban portions of Los Angeles, Riverside, and San Bernardino counties, and all of Orange
18 County. (40 C.F.R. § 81.305; Health & Saf. Code § 40410.) The District is the designated
19 air quality management district for the Basin. (Health & Saf. Code § 40412.) Thus, the
20 District is responsible for preparing the Basin's "Air Quality Management Plan" ("AQMP").
21 (Health & Saf. Code § 40408.) The AQMP serves as both the SIP under the Federal Act and
22 the attainment plan under the California Act for the Basin. (Health & Saf. Code § 40460.)
23 The AQMP sets forth a variety of general "control measures" designed to attain and maintain
24 the NAAQS and the CAAQS within the Basin. (Health & Saf. Code § 40913.)

25 12. The Basin is currently designated nonattainment for ozone, PM₁₀, and PM_{2.5}.
26 (40 C.F.R. § 81.305.) Ozone is a "criteria" pollutant formed when volatile organic
27 compounds ("VOCs"), also known as reactive organic gases ("ROG"), react with nitrogen
28 oxides ("NOx") in the atmosphere in the presence of sunlight. Ozone adversely affects

1 human health, and is a key ingredient in the formation of urban smog. VOCs and NOx also
2 contribute to the formation of PM₁₀ and PM_{2.5}.

3 13. The Basin exceeds the federal ozone standard far more frequently than any
4 other area in the United States. The Basin must reduce NOx beyond existing regulations by
5 up to 65%, about 150 tons per day, in order to meet the federal 8-hour ozone attainment
6 deadline in 2023, and up to 75% by 2032.

7 14. NOx also contributes to the formation of PM_{2.5}. Due to their microscopic size,
8 PM_{2.5} particles penetrate deeply into one's lungs, causing physical damage to the lung's
9 aveoli while exposing them to toxic substances the particles may carry. As with ozone,
10 sensitive persons, including children, are particularly at risk from increasing levels of PM_{2.5}
11 which has also been linked to increasing mortality. The Basin is required to achieve the
12 annual average NAAQS for PM_{2.5} by 2015, and is seeking approval from the EPA to extend
13 its deadline for achieving the 24-hour PM_{2.5} standard.

14 15. Achieving the NAAQS in the Basin has proven to be a very difficult task, for
15 two key reasons. First, the Basin has a very large population – almost half the population of
16 the state of California lives within its boundaries. As a result, the Basin contains millions of
17 cars and stationary sources that generate air pollutants on a daily basis. (*Cf.* Cal. Health &
18 Safety Code § 40402.) Second, the Basin has a unique meteorology that is highly conducive
19 to the formation of ozone. The Basin is surrounded by mountains to the east and the ocean
20 to the west. In the morning, the winds generally travel from the ocean towards the
21 mountains, carrying NOx and VOCs with it. The eastern mountains trap the pollutants,
22 containing them in the Basin. Sunlight heats the ambient air and creates an “inversion layer”
23 – a layer of air hotter than the layer below – that traps the pollutants vertically. NOx and
24 VOCs react in the sunlight to form ozone, which is often trapped in the Basin.

25 16. If the Basin does not achieve the NAAQS for ozone and PM_{2.5} by the
26 applicable deadlines, the region will continue to experience poor air quality and the resulting
27 health impacts, including lung damage and premature deaths. In addition, EPA will impose
28 federally mandated sanctions, resulting in higher operating costs for businesses with air

1 permits and loss of federal transportation funding.

2 The Project

3 17. The Project is a master planned business park designed to support the logistics
4 operations of large global companies. The Project covers 3,818 acres in the City's Rancho
5 Belago area. The Project involves 40.6 million square feet of development, including
6 warehouse space and related facilities. This amount of development represents almost ten
7 percent of the total new warehousing space projected to be built in the Basin by 2035.

8 18. In connection with the Project, the City Council approved a general plan
9 amendment, the World Logistics Center Specific Plan, a development agreement, and other
10 approvals identified in the Notices of Determination attached hereto as Exhibit "A." The
11 Specific Plan sets forth zoning designations, a land use plan, planning area designations,
12 design guidelines, landscaping guidelines, and development standards for the Project area.

13 19. At full build-out, the Project will generate 14,006 truck trips per day travelling
14 to and from the business park facilities. These truck trips will generate an enormous amount
15 of air pollution – as much as three-quarters of a ton per day of NOx. The air emissions
16 grossly exceed the applicable threshold of significance, with is 55 pounds per day of NOx.

17 20. The operation of the Project will also contribute greenhouse gas emissions by
18 adding 400,000 metric tons of CO₂e per year, of which 270,000 metric tons is caused by
19 mobile sources and 100,000 metric tons is caused by electricity usage. These greenhouse gas
20 emissions are substantially greater than the SCAQMD threshold of significance of 10,000
21 metric tons per year.

22 Exhaustion of Remedies

23 21. The District has exhausted all applicable administrative remedies in
24 compliance with Public Resources Code Section 21177. The District and other persons
25 submitted numerous written comments to the City in opposition to the Project setting forth
26 the grounds alleged in this petition. District representatives also presented oral testimony at
27 public hearings.

28

1 the environmental consequences of a proposed activity, so that ways of avoiding
2 environmental damage can be identified. The Program EIR failed to fully inform the City
3 and the public of the environmental consequences of the Project.

4 30. CEQA and the CEQA Guidelines require that an EIR identify and focus on the
5 significant environmental effects of the proposed project. (Code Cal. Regs., tit. 14, §
6 15126(a).) The Program EIR failed to comply with CEQA by failing to identify and analyze
7 adequately the Project's potential significant environmental impacts, including, but not
8 limited to, impacts in the areas of air quality and climate change.

9 31. Under CEQA, a discussion of significant adverse environmental impacts must
10 be sufficiently detailed so as to fully inform the decision makers and the public of the
11 project's impacts. The Program EIR failed to discuss the Project's adverse environmental
12 impacts, including but not limited to air quality and climate change impacts, in sufficient
13 detail as required by CEQA.

14 32. The CEQA Guidelines provide that a project will normally have a significant
15 effect on the environment if it will expose sensitive receptors to substantial pollutant
16 concentrations. (Code Cal. Regs., tit. 14, Appendix G, § III(d).) Residents within and near
17 the Project area are "sensitive receptors" within the meaning of this provision. The Program
18 EIR failed to identify, adequately consider, and/or mitigate the impacts of the Project on
19 these sensitive receptors as required by CEQA, including but not limited to the impacts of
20 toxic air pollutants. Without limiting the foregoing, the Program EIR incorrectly concluded
21 that "new technology diesel exhaust does not cause cancer." This conclusion was based on a
22 misinterpretation of a single study published by the Health Effects Institute.

23 33. Under CEQA, a lead agency approving a project for which an EIR has been
24 prepared which identifies one or more significant effects must make specified findings
25 supported by substantial evidence in the record. (Public Resources Code §§ 21081,
26 21081.5.) In approving the EIR, the City failed to comply with this requirement by making
27 appropriate findings supported by substantial evidence in the record. The City's findings
28 were legally deficient as to, among other matters, air quality and climate change impacts.

1 34. Under CEQA, an EIR must contain a detailed discussion of alternatives to the
2 proposed project. (Public Resources Code § 21100(d); Code Cal. Regs., tit. 14, § 15126(d).)
3 The Program EIR failed to comply with this requirement by failing to identify an adequate
4 range of alternatives to the Project that would reduce or avoid the Project's significant
5 impacts including, but not limited to, the Project's impacts on air quality and climate change.
6 The Project also failed to analyze adequately those alternatives that were identified.

7 35. Under CEQA, a lead agency must identify and adopt mitigation measures that
8 will reduce or avoid a project's significant environmental effects. (Public Resources Code §
9 21100(c).) A lead agency must also respond to specific suggestions for mitigating a
10 significant environmental impact unless the suggested mitigation is facially infeasible. (*Los*
11 *Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019.) The
12 City here failed to identify and adopt feasible mitigation measures, and failed to respond
13 adequately to facially feasible suggestions for mitigation measures. Without limiting the
14 foregoing, the City failed to respond adequately to the District's suggestions for mitigation
15 measures that would reduce or avoid (i) significant air quality impacts based on diesel truck
16 emissions, and (ii) significant climate change impacts based on the emission of greenhouse
17 gases.

18 36. The District urged the City to consider and adopt a number of specific
19 mitigation measures that would reduce Project-related diesel truck emissions including,
20 among others, the following: (i) a requirement that the Project implement new truck and
21 infrastructure technologies based on periodic and frequent technology/feasibility reviews as
22 individual buildings are leased or sold or City approvals are issued; (ii) Project-wide or
23 building-specific emissions caps that decline through time that are linked to the development
24 of engine technologies; (iii) a requirement that building tenants apply in good faith for
25 incentive funding assistance to replace and retrofit older trucks, similar to the SCAQMD
26 Surplus Off-road Option for NOx program for owners of off-road vehicles; and (iv) a legally
27 enforceable requirement that trucks serving a particular Project building comply with the
28 more stringent of the EPA or CARB engine emission standards in effect at the time the

1 building is leased or sold.

2 37. CEQA and the CEQA Guidelines require that public agencies act so as to give
3 the fullest possible protection to the environment. (Code Cal. Regs., tit. 14, § 15003.) In
4 adopting the legally defective Program EIR, the City failed to comply with this policy and
5 provision of CEQA and the regulations.

6 38. The Program EIR failed to properly identify, describe, evaluate, and mitigate
7 the Project's cumulative effects including, but not limited to, the Project's cumulative
8 adverse impacts on air quality and climate change.

9 RELIEF REQUESTED

10 39. The District incorporates by reference the allegations of paragraphs 1 through
11 38 above as though fully set forth herein.

12 Writ of Mandate

13 (Pub. Res. Code §§ 21168, 21168.5; Code of Civ. Pro. §§ 1085, 1094.5)

14 40. Under Public Resources Code section 21168, suits alleging noncompliance
15 with CEQA shall proceed in accordance with section 1094.5 of the Code of Civil Procedure
16 if "by law a hearing is required to be given, evidence is required to be taken and discretion in
17 the determination of the facts is vested in a public agency." Under Section 21168, actions
18 taken by public agencies must be "supported by substantial evidence in light of the whole
19 record."

20 41. Public Resources Code section 21168.5 establishes a different standard of
21 review for CEQA challenges which are not governed by section 21168. Under Section
22 21168.5, actions taken by public agencies will be invalidated if they constitute "prejudicial
23 abuse of discretion." Actions under Section 21168.5 properly proceed under Code of Civil
24 Procedure section 1085, which provides that a writ of mandate "may be issued by any court"
25 in order to "compel the performance of an act which the law specially enjoins" The
26 City is an "inferior tribunal, corporation or board" within the meaning of Section 1085.

27 42. The City has violated a duty which the law specially enjoins, and the District
28 has a clear, present and substantial right to the performance of the City's duty.

1 attainment for all criteria pollutants by the applicable deadlines, and thereby fulfill its
2 mandate under the Federal and California Clean Air Acts.

3 49. Pecuniary compensation would not afford adequate relief to the environment,
4 the District, or the public.

5 50. If the Project is allowed to proceed, any judgment in the District's favor would
6 be ineffectual – significant damage to human health and the environment will have already
7 occurred.

8 Attorneys' Fees and Costs

9 51. With this Petition, the District seeks to enforce an important right affecting the
10 public interest. If the lawsuit is successful, the District will confer a substantial benefit on
11 the region and its residents. Thus, the District will be entitled to an award of reasonable
12 attorneys' fees pursuant to section 1021.5 of the Code of Civil Procedure.

13 PRAAYER FOR RELIEF

14 WHEREFORE, the District prays that this court:

- 15 1. Issue a peremptory writ of mandate:
- 16 a. Voiding the City's action in approving the Project and certifying the EIR;
- 17 b. Directing the City to rescind, vacate, and set aside the City's approval of
- 18 the Project, certification of the Program EIR, adoption of CEQA findings,
- 19 and issuance of Notices of Determination;
- 20 c. Directing the City to suspend immediately all activity in furtherance or
- 21 implementation of the Project;
- 22 d. Directing the City to prepare a revised draft environmental impact report,
- 23 consistent with the requirements of CEQA, before taking any further action
- 24 on the Project;
- 25 e. Directing the City to take all actions necessary to comply with CEQA in
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connection with the Project.

2. Issue a temporary restraining order, preliminary injunction, and permanent injunction restraining the City and the Real Parties in Interest from taking any action in furtherance of the Project while the litigation is pending.

3. Award the District its costs of suit incurred and reasonable attorneys' fees including, but not limited to, fees authorized under Code of Civil Procedure §§ 1021.5, 1032 and Government Code § 800.

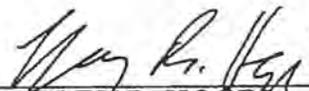
4. Retain jurisdiction over the City's proceedings by way of a return to the peremptory writ until the court has determined that the City has complied with CEQA.

5. Award such other relief as the court may deem just and proper.

DATED: September 18, 2015

Respectfully submitted,

WOODRUFF, SPRADLIN & SMART, APC



BRADLEY R. HOGEN
RICIA R. HAGER
Attorneys for Petitioner South Coast
Air Quality Management District

EXHIBIT "A"

NOTICE OF DETERMINATION

To:

 x Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA. 95814

 x County Clerk
P.O. Box 751
Riverside, CA 92502-0751

From:

City of Moreno Valley
Community & Economic Development Dept.
14177 Frederick Street
Moreno Valley, CA. 92552-0805

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Applicant Name: Highland Fairview
Address: 14225 Corporate Way, Moreno Valley, CA 92553
Telephone Number: (951) 867-5300

Project Title: A General Plan Amendment (PA12-0010), Development Agreement (PA12-0011), Change of Zone (PA12-0012), Specific Plan (PA12-0013), Annexation (PA12-0014), Tentative Parcel Map No. 36457 (PA12-0015) and an Environmental Impact Report (P12-016) for a project known as the World Logistics Center (WLC) Project.

<u>2012021045</u> State Clearinghouse No. <small>(if submitted to Clearinghouse)</small>	<u>Mark Gross</u> Lead Agency Contact Person	<u>(951) 413-3215</u> Area Code/ Telephone
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Project Location: The project site is located in the eastern portion of the city and is more specifically located east of Redlands Boulevard, south of the SR-60 Freeway, west of Gilman Springs Road, and north of the San Jacinto Wildlife Area.

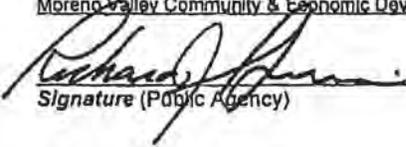
Project Description The project includes a General Plan Amendment (PA12-0010), Development Agreement (PA12-0011), Change of Zone (PA12-0012), Specific Plan (PA12-0013), Annexation (PA12-0014), Tentative Parcel Map No. 36457 (PA12-0015) and an Environmental Impact Report (P12-016) for a project known as the World Logistics Center (WLC) involving approximately 3,818 acres of property and project area, including 2,610 acres designated for the World Logistics Center Specific Plan. The project also results in the repeal of the current Moreno Highlands Specific Plan No. 212-1.

This is to advise that the City Council of the City of Moreno Valley has approved the above-described project on August 19, 2015, and has made the following determinations regarding the above described project:

1. The project [x will ___ will not] have a significant effect on the environment.
2. x An Environmental Impact Report was prepared for this project pursuant to provisions of CEQA.
____ Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [x were ___ were not] made a condition of the approval of the project.
4. A Statement of Overriding Considerations [x was ___ was not] adopted for this project.
5. Findings [x were ___ were not] made pursuant to the provisions of CEQA.

This is to certify that the [___ Negative Declaration x Final EIR with comments and responses and record of project approval] is available to the General Public at:

Moreno Valley Community & Economic Development Department, 14177


Signature (Public Agency)

8/20/15
Date

F I L E D / P O S T E D

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-201500775
08/20/2015 12:34 PM Fee: \$ 3119.75
Page 1 of 1

Removed By Deputy



NOTICE OF DETERMINATION

To:

x Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA. 95814

x County Clerk
P.O. Box 751
Riverside, CA 92502-0751

From:

City of Moreno Valley
Community & Economic Development Dept.
14177 Frederick Street
Moreno Valley, CA. 92552-0805

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Applicant Name: Highland Fairview
Address: 14225 Corporate Way, Moreno Valley, CA 92553
Telephone Number: (951) 867-5300

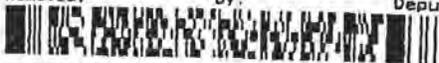
Project Title: The World Logistics Center

2012021045
State Clearinghouse No.
(If submitted to Clearinghouse)

Mark Gross
Lead Agency
Contact Person

F I L E D / P O S T E D

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder
E-201500810
08/26/2015 08:37 AM Fee: \$ 50.00
Page 1 of 2

Removed: By: Deputy

Area Code Telephone

Project Location: The project site is located in the eastern portion of the city and is more specifically located east of Redlands Boulevard, south of the SR-60 Freeway, west of Gilman Springs Road, and north of the San Jacinto Wildlife Area.

Project Description: The project consists of the following actions taken by the Moreno Valley City Council/ Moreno Valley Community Services District Board at a duly noticed public hearing held on August 19, 2015: (1) City Council adoption of a resolution approving General Plan amendments that include land use changes within the proposed World Logistics Center (WLC) Specific Plan area to Business Park/Light Industrial (BP) and Open Space (OS) and land use changes outside of the WLC Specific Plan to Open Space (OS) and corresponding General Plan Element Goals and Objectives text and map amendments to the Community Development, Circulation, Parks, Recreation and Open Space, Safety and Conservation Elements; (2) City Council adoption of a resolution approving a Tentative Parcel Map for the purposes of establishing twenty-six (26) parcels for financing and conveyance purposes, including an 85 acre parcel of land currently located in the County of Riverside adjacent to Gilman Springs Road and Alessandro Boulevard and which is included in the WLC Specific Plan; (3) City Council adoption of a resolution requesting the Riverside Local Agency Formation Commission (LAFCO) to initiate proceedings for the expansion of the City's boundary for approximately 85 acres of land located along Gilman Springs Road and Alessandro Boulevard (APN Nos. 422-130-002 and 422-130-003); (4) **FIRST READING:** City Council introduction of an ordinance approving PA12-0012 (Change of Zone), PA12-0013 (Specific Plan) and PA12-0014 (Pre-Zoning/Annexation), which include the WLC Specific Plan, full repeal of the Moreno Highlands Specific Plan No. 212-1, Pre-Zoning/Annexation for 85 acres at Northwest Corner of Gilman Springs Road and Alessandro Boulevard, Change of Zone to Logistics Development (LD), Light Logistics (LL) and Open Space (OS) for areas within the WLC Specific Plan Boundary, and a Change of Zone to Open Space (OS) for those project areas outside and southerly of the WLC Specific Plan Boundary; (5) **FIRST READING:** City Council introduction of an ordinance approving PA12-0011 (Development Agreement) for the WLC Project which Real Estate Highland Fairview has legal or equitable interest in, on approximately 2,263 acres, within the WLC Specific Plan area (2,610 acres), intended to be developed as High Cube Logistics Warehousing and related ancillary uses generally east of Redlands Boulevard, south of State Route 60, west of Gilman Springs Road and north of the San Jacinto Wildlife Area; and (6) Moreno Valley Community Services District Board approval of a resolution requesting the Riverside LAFCO to initiate proceedings for the expansion of the Community Services District Boundary to include approximately 85 acres of land located along Gilman Springs Road and Alessandro Boulevard in conjunction with a related annexation (APN Nos. 422-130-002 and 422-130-003).

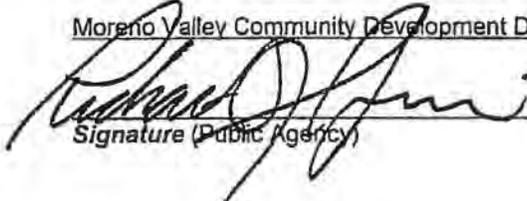
In addition to the foregoing actions taken on August 19, 2015, the project includes the following actions subsequently taken by the Moreno Valley City Council at a duly noticed public meeting held on August 25, 2015: (1) **SECOND READING:** City Council adoption of Ordinance No. 900 approving PA12-0012 (Change of Zone), PA12-0013 (Specific Plan) and PA12-0014 (Pre-Zoning/Annexation), which include the WLC Specific Plan, full repeal of the Moreno Highlands Specific Plan No. 212-1, Pre-Zoning/Annexation for 85 acres at Northwest Corner of Gilman Springs Road and Alessandro Boulevard, Change of Zone to Logistics Development (LD), Light Logistics (LL) and Open Space (OS) for areas within the WLC Specific Plan Boundary, and a Change of Zone to Open Space (OS) for those project areas outside and southerly of the WLC Specific Plan Boundary; and (2) **SECOND READING:** City Council adoption of Ordinance No. 901 approving PA12-0011 (Development Agreement) for the WLC Project which Real Estate Highland Fairview has legal or equitable Interest in, on approximately 2,263 acres, within the WLC Specific Plan area (2,610 acres), intended to be developed as High Cube Logistics Warehousing and related ancillary uses generally east of Redlands Boulevard, south of State Route 60, west of Gilman Springs Road and north of the San Jacinto Wildlife Area.

Please be advised that the City Council of the City of Moreno Valley, acting for itself and as the governing body of the City's Community Services District, duly approved the above described project subject to the following determinations:

1. The project [will ___ will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to provisions of CEQA.
___ Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were ___ were not] made a condition of the approval of the project.
4. A Statement of Overriding Considerations [was ___ was not] adopted for this project.
5. Findings [were ___ were not] made pursuant to the provisions of CEQA.

This is to certify that the [___ Negative Declaration Final EIR with comments and responses and record of project approval] is available to the General Public at:

Moreno Valley Community Development Department, 14177 Frederick Street, Moreno Valley, California



Signature (Public Agency)

8/26/15

Date

Planning Official

Title

EXHIBIT "B"

15 SEP 24 PM 2: 23

1 BRADLEY R. HOGIN - State Bar No. 140372
bhogin@wss-law.com
2 RICIA R. HAGER - State Bar No. 234052
rhager@wss-law.com
3 WOODRUFF, SPRADLIN & SMART, APC
555 Anton Boulevard, Suite 1200
4 Costa Mesa, CA 92626-7670
Telephone: (714) 558-7000
5 Facsimile: (714) 835-7787

6 KURT R. WIESE, General Counsel - State Bar No. 127251
BARBARA BAIRD, Chief Dep. Counsel - State Bar No. 81507
7 VEERA TYAGI, Senior Dep. District Counsel - State Bar No. 239777
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
8 21865 Copley Drive
Diamond Bar, CA 91765
9 Telephone: (909) 396-3535
Facsimile: (909) 396-2961
10 kwiese@aqmd.gov
bbaird@aqmd.gov
11 vtyagi@aqmd.gov

12 Attorneys for Petitioner South Coast
Air Quality Management District

13
14 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

15 IN AND FOR THE COUNTY OF RIVERSIDE

16 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT, an air quality
17 management district,

18 Petitioner,

19 v.

20 CITY OF MORENO VALLEY; and DOES 1-
10, inclusive,

21 Respondents.

22 HF PROPERTIES, a California general
23 partnership, SUNNYMEAD PROPERTIES, a
Delaware general partnership; THEODORE
24 PROPERTIES PARTNERS, a Delaware
general partnership; 13451 THEODORE,
25 LLC, a California limited liability company;
HL PROPERTY PARTNERS, a Delaware
26 general partnership; HIGHLAND FAIRVIEW
OPERATING CO., a general partnership and
27 ROES 11-20, inclusive,

28 Real Parties in Interest.

CASE NO.:

**NOTICE OF INTENT TO
COMMENCE ACTION UNDER THE
CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

**[California Environmental Quality Act,
Public Resources Code § 21167.5]**

WOODRUFF, SPRADLIN
& SMART
ATTORNEYS AT LAW
COSTA MESA

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TO THE CITY OF MORENO VALLEY:

Please take notice that the South Coast Air Quality Management District will commence an action under the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, against the City of Moreno Valley. The Action will challenge the City's approval of the World Logistics Center project and the City's certification of the related environmental impact report. The City issued Notices of Determination for the project on August 20, 2015 and August 26, 2015. Copies of these Notices are attached.

DATED: September 17, 2015

Respectfully submitted,

WOODRUFF, SPRADLIN & SMART, APC



BRADLEY R. HUGIN
RICIA R. HAGER
Attorneys for Petitioner South Coast
Air Quality Management District

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over the age of 18 and not a party to the within action; I am employed by WOODRUFF, SPRADLIN & SMART, a Professional Corporation, in the County of Orange at 555 Anton Boulevard, Suite 1200, Costa Mesa, California 92626-7670.

On September 17, 2015, I served the foregoing document(s) described as **NOTICE OF INTENT TO COMMENCE ACTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;

(BY CERTIFIED MAIL) I placed said envelope(s) for collection and mailing, following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for deposit in the United States Postal Service. I am readily familiar with the practice of WOODRUFF, SPRADLIN & SMART for collection and processing correspondence for mailing with the United States Postal Service, and said envelope(s) will be deposited with the United States Postal Service on said date in the ordinary course of business.

(BY ELECTRONIC SERVICE) by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.

(BY OVERNIGHT DELIVERY) I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for collection and delivery to a courier authorized by _____ to receive said documents, with delivery fees provided for. I am readily familiar with the practices of WOODRUFF, SPRADLIN & SMART for collection and processing of documents for overnight delivery, and said envelope(s) will be deposited for receipt by _____ on said date in the ordinary course of business.

(BY FACSIMILE) I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.

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

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

Executed on September 17, 2015 at Costa Mesa, California.


Danielle Trulli

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SERVICE LIST

BY CERTIFIED MAIL

City Clerk
City of Moreno Valley
Moreno Valley City Hall
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

BRADLEY R. HOGIN, ESQ. WOODRUFF, SPRADLIN AND SMART, APC 555 SOUTH ANTON BOULEVARD, SUITE 1200 COSTA MESA, CA 92626 Attorney For: Petitioner TELEPHONE NO: (714) 858-7000 FAX NO. (Optional): (714) 858-7767 <small>E-MAIL ADDRESS (Optional)</small>		SSN: 140772		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA STREET ADDRESS: 4080 MAIN STREET MAILING ADDRESS: CITY AND ZIP CODE: RIVERSIDE, CA 92501 BRANCH NAME: RIVERSIDE HISTORIC COURTHOUSE					
PLAINTIFF (name each): SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, AN AIR QUALITY MANAGEMENT DISTRICT DEFENDANT (name each): CITY OF MORENO VALLEY				CASE NUMBER:	
PROOF OF DELIVERY		HEARING DATE:	TIME:	DEPT.:	Ref No. or File No.: 1238-20

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED COPIES OF THE:

NOTICE OF INTENT TO COMMENCE ACTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

NAME OF PARTY: MORENO VALLEY CITY HALL-CITY CLERK
 DELIVERED TO: KATHY GROSS - EXECUTIVE ASSISTANT

DATE & TIME OF DELIVERY: 09/17/2015
 03:27 pm

ADDRESS, CITY, AND STATE: MORENO VALLEY CITY HALL-CITY CLERK
 14177 FREDERICK ST.
 MORENO VALLEY, CA 92552

MANNER OF SERVICE:

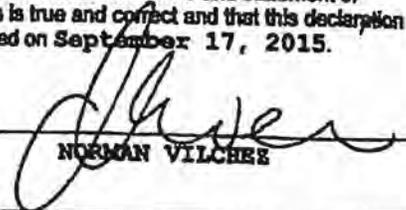
Delivery to a Business: Service was made by delivery to the business office; or by leaving the document(s) with his clerk over the age of 18 therein; or with a person having charge thereof; or if there was no such person in the office, by leaving them between the hours of nine in the morning and five in the afternoon, in a conspicuous place in the office. [CCP 1011]

Fee for Service:

County: LOS ANGELES
 Registration No.: 2015085755
 Nationwide Legal, LLC
 200 W. Santa Ana Blvd., Suite 300
 Santa Ana, CA 92701
 (714) 558-2400
 Ref: 1238-20

I declare under penalty of perjury under the laws of The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on September 17, 2015.

Signature: _____



NORMAN VILCHEZ

PROOF OF HAND DELIVERY

Order#: 2606147PH/DROPSERVE

EXHIBIT "C"

CITY CLERK
MORENO VALLEY
CALIFORNIA

15 SEP 24 PM 2:23

1 BRADLEY R. HOGIN - State Bar No. 140372

bhogin@wss-law.com

2 RICIA R. HAGER - State Bar No. 234052

rhager@wss-law.com

3 WOODRUFF, SPRADLIN & SMART, APC

555 Anton Boulevard, Suite 1200

4 Costa Mesa, CA 92626-7670

Telephone: (714) 558-7000

5 Facsimile: (714) 835-7787

6 KURT R. WIESE, General Counsel - State Bar No. 127251

BARBARA BAIRD, Chief Dep. Counsel - State Bar No. 81507

7 VEERA TYAGI, Senior Dep. District Counsel - State Bar No. 239777

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

8 21865 Copley Drive

Diamond Bar, CA 91765

9 Telephone: (909) 396-3535

Facsimile: (909) 396-2961

10 kwiese@aqmd.gov

bbaird@aqmd.gov

11 vtyagi@aqmd.gov

12 Attorneys for Petitioner South Coast
Air Quality Management District

13
14 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

15 IN AND FOR THE COUNTY OF RIVERSIDE

16 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT, an air quality
17 management district,

18 Petitioner,

19 v.

20 CITY OF MORENO VALLEY; and DOES 1-
10, inclusive,

21 Respondents.

22 HF PROPERTIES, a California general
23 partnership, SUNNYMEAD PROPERTIES, a
Delaware general partnership; THEODORE
24 PROPERTIES PARTNERS, a Delaware
general partnership; 13451 THEODORE,
25 LLC, a California limited liability company;
HL PROPERTY PARTNERS, a Delaware
26 general partnership; HIGHLAND FAIRVIEW
OPERATING CO., a general partnership and
27 ROES 11-20, inclusive,

28 Real Parties in Interest.

CASE NO.:

**PETITIONER'S NOTICE OF
ELECTION TO PREPARE
ADMINISTRATIVE RECORD**

**[California Environmental Quality Act,
Public Resources Code § 21167.6]**

1 TO THE CITY OF MORENO VALLEY:

2 Pursuant to California Public Resources Code § 21167.6(b)(2), the South Coast Air
3 Quality Management District ("Petitioner") hereby elects to prepare the record of
4 proceedings for the above-captioned action relating to the City of Moreno Valley's approval
5 of the World Logistics Center project and the City's certification of the related
6 environmental impact report.

7
8 DATED: September 18, 2015

Respectfully submitted,

9 WOODRUFF, SPRADLIN & SMART, APC

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11 
12 BRADLEY R. HUGIN
13 RICIA R. HAGER
14 Attorneys for Petitioner South Coast
15 Air Quality Management District
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WOODRUFF, SPRADLIN
& SMART
ATTORNEYS AT LAW
COSTA MESA

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

3 I am over the age of 18 and not a party to the within action; I am employed by
4 WOODRUFF, SPRADLIN & SMART, a Professional Corporation, in the County of Orange
5 at 555 Anton Boulevard, Suite 1200, Costa Mesa, California 92626-7670.

6 On September 18, 2015, I served the foregoing document(s) described as
7 **PETITIONER'S NOTICE OF ELECTION TO PREPARE ADMINISTRATIVE
8 RECORD**

- 8 by placing the true copies thereof enclosed in sealed envelopes addressed as stated on
the attached mailing list;
- 9 (BY MAIL) I placed said envelope(s) for collection and mailing, following ordinary
10 business practices, at the business offices of WOODRUFF, SPRADLIN & SMART,
and addressed as shown on the attached service list, for deposit in the United States
11 Postal Service. I am readily familiar with the practice of WOODRUFF, SPRADLIN
& SMART for collection and processing correspondence for mailing with the United
12 States Postal Service, and said envelope(s) will be deposited with the United States
Postal Service on said date in the ordinary course of business.
- 13 (BY ELECTRONIC SERVICE) by causing the foregoing document(s) to be
14 electronically filed using the Court's Electronic Filing System which constitutes
service of the filed document(s) on the individual(s) listed on the attached mailing list.
- 15 (BY OVERNIGHT DELIVERY) I placed said documents in envelope(s) for
16 collection following ordinary business practices, at the business offices of
WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached
17 service list, for collection and delivery to a courier authorized by
_____ to receive said documents, with delivery fees
18 provided for. I am readily familiar with the practices of WOODRUFF, SPRADLIN
& SMART for collection and processing of documents for overnight delivery, and
19 said envelope(s) will be deposited for receipt by _____ on
said date in the ordinary course of business.
- 20 (BY FACSIMILE) I caused the above-referenced document to be transmitted to the
21 interested parties via facsimile transmission to the fax number(s) as stated on the
attached service list.
- 22 (State) I declare under penalty of perjury under the laws of the State of California
23 that the above is true and correct.
- 24 (Federal) I declare that I am employed in the office of a member of the bar of this
25 court at whose direction the service was made. I declare under penalty of
perjury that the above is true and correct.

26 Executed on September 18, 2015 at Costa Mesa, California.

27 
28 Danielle Trulli

WOODRUFF, SPRADLIN
& SMART
ATTORNEYS AT LAW
COSTA MESA

SERVICE LIST

CITY OF MORENO VALLEY

1
2
3 City Clerk
4 City of Moreno Valley
5 Moreno Valley City Hall
6 14177 Frederick Street
7 PO Box 88005
8 Moreno Valley, CA 92552
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WOODRUFF SPRADLIN
& SMART
ATTORNEYS AT LAW
COSTA MESA

PROOF OF SERVICE

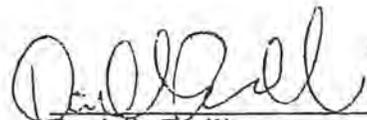
STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over the age of 18 and not a party to the within action; I am employed by WOODRUFF, SPRADLIN & SMART, a Professional Corporation, in the County of Orange at 555 Anton Boulevard, Suite 1200, Costa Mesa, California 92626-7670.

On September 18, 2015, I served the foregoing document(s) described as **PETITION FOR WRIT OF MANDATE; REQUEST FOR INJUNCTIVE RELIEF**

- by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;
- (BY MAIL)** I placed said envelope(s) for collection and mailing, following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for deposit in the United States Postal Service. I am readily familiar with the practice of WOODRUFF, SPRADLIN & SMART for collection and processing correspondence for mailing with the United States Postal Service, and said envelope(s) will be deposited with the United States Postal Service on said date in the ordinary course of business.
- (BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- (BY OVERNIGHT DELIVERY)** I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for collection and delivery to a courier authorized by _____ to receive said documents, with delivery fees provided for. I am readily familiar with the practices of WOODRUFF, SPRADLIN & SMART for collection and processing of documents for overnight delivery, and said envelope(s) will be deposited for receipt by _____ on said date in the ordinary course of business.
- (BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on September 18, 2015 at Costa Mesa, California.


Danielle Trulli

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SERVICE LIST

Kamala D. Harris
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230
Phone: (213) 897-2000

ATTORNEY GENERAL

City Clerk
City of Moreno Valley
Moreno Valley City Hall
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

CITY OF MORENO VALLEY

COPY

1 BRADLEY R. HOGIN - State Bar No. 140372
bhogin@wss-law.com
2 RICIA R. HAGER - State Bar No. 234052
rhager@wss-law.com
3 WOODRUFF, SPRADLIN & SMART, APC
555 Anton Boulevard, Suite 1200
4 Costa Mesa, CA 92626-7670
Telephone: (714) 558-7000
5 Facsimile: (714) 835-7787

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 18 2015

L. VILLANUEVA

6 KURT R. WIESE, General Counsel - State Bar No. 127251
BARBARA BAIRD, Chief Dep. Counsel - State Bar No. 81507
7 VEERA TYAGI, Senior Dep. District Counsel - State Bar No. 239777
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
8 21865 Copley Drive
Diamond Bar, CA 91765
9 Telephone: (909) 396-3535
Facsimile: (909) 396-2961
10 kwiese@aqmd.gov
bbaird@aqmd.gov
11 vtyagi@aqmd.gov

12 Attorneys for Petitioner South Coast
Air Quality Management District

13
14 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
15 IN AND FOR THE COUNTY OF RIVERSIDE

16 SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT, an air quality
17 management district,

18 Petitioner,

19 v.

20 CITY OF MORENO VALLEY; and DOES 1-
10, inclusive,

21 Respondents.

22 HF PROPERTIES, a California general
23 partnership, SUNNYMEAD PROPERTIES, a
Delaware general partnership; THEODORE
24 PROPERTIES PARTNERS, a Delaware
general partnership; 13451 THEODORE,
25 LLC, a California limited liability company;
HL PROPERTY PARTNERS, a Delaware
26 general partnership; HIGHLAND FAIRVIEW
OPERATING CO., a general partnership and
27 ROES 11-20, inclusive,

28 Real Parties in Interest.

CASE NO. **RIC 1511213**

PETITIONER'S NOTICE OF
ELECTION TO PREPARE
ADMINISTRATIVE RECORD

[California Environmental Quality Act,
Public Resources Code § 21167.6]

WOODRUFF, SPRADLIN
& SMART
ATTORNEYS AT LAW
COSTA MESA

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TO THE CITY OF MORENO VALLEY:

Pursuant to California Public Resources Code § 21167.6(b)(2), the South Coast Air Quality Management District (“Petitioner”) hereby elects to prepare the record of proceedings for the above-captioned action relating to the City of Moreno Valley’s approval of the World Logistics Center project and the City’s certification of the related environmental impact report.

DATED: September 18, 2015

Respectfully submitted,
WOODRUFF, SPRADLIN & SMART, APC



BRADLEY R. HUGIN
RÍCIA R. HAGER
Attorneys for Petitioner South Coast
Air Quality Management District

WOODRUFF, SPRADLIN
& SMART
ATTORNEYS AT LAW
COSTA MESA

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over the age of 18 and not a party to the within action; I am employed by WOODRUFF, SPRADLIN & SMART, a Professional Corporation, in the County of Orange at 555 Anton Boulevard, Suite 1200, Costa Mesa, California 92626-7670.

On September 18, 2015, I served the foregoing document(s) described as **PETITIONER'S NOTICE OF ELECTION TO PREPARE ADMINISTRATIVE RECORD**

- by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;
- (BY MAIL)** I placed said envelope(s) for collection and mailing, following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for deposit in the United States Postal Service. I am readily familiar with the practice of WOODRUFF, SPRADLIN & SMART for collection and processing correspondence for mailing with the United States Postal Service, and said envelope(s) will be deposited with the United States Postal Service on said date in the ordinary course of business.
- (BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- (BY OVERNIGHT DELIVERY)** I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached service list, for collection and delivery to a courier authorized by _____ to receive said documents, with delivery fees provided for. I am readily familiar with the practices of WOODRUFF, SPRADLIN & SMART for collection and processing of documents for overnight delivery, and said envelope(s) will be deposited for receipt by _____ on said date in the ordinary course of business.
- (BY FACSIMILE)** I caused the above-referenced document to be transmitted to the interested parties via facsimile transmission to the fax number(s) as stated on the attached service list.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on September 18, 2015 at Costa Mesa, California.


Danielle Trulli

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SERVICE LIST

City Clerk
City of Moreno Valley
Moreno Valley City Hall
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

CITY OF MORENO VALLEY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

NOTICE OF STATUS CONFERENCE

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT VS CIT

CASE NO. RIC1511213

The Status Conference is scheduled for:

DATE: 11/17/15
TIME: 8:30 a.m.
DEPT: 05

All matters including, but not limited to, Fast Track hearings, law and motion, and settlement conference hearings shall be heard by the assigned judge until further order of the Court.

Any disqualification pursuant to CCP 170.6 shall be filed in accordance with that section.

The plaintiff/cross-complainant shall serve a copy of this notice on all defendants/cross-defendants who are named or added to the complaint and file proof of service.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See CA Rules of Court, rule 1.100.

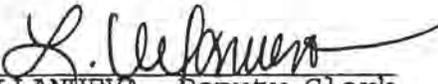
CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing Notice of Assignment To Department For Case Management Purposes and Status Conference on this date, by depositing said copy as stated above

Dated: 09/18/15

Court Executive Officer/Clerk

By:



LOURDES VILLANUEVA, Deputy Clerk

ac:stch shw

COPY

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Bradley R. Hogin, Esq. (State Bar No. 140372) Ricia R. Hager, Esq. (State Bar No. 234052) WOODRUFF, SPRADLIN & SMART 555 Anton Blvd., Suite 1200 Costa Mesa, CA 92626 TELEPHONE NO.: (714) 558-7000 FAX NO.: (714) 835-7787		FOR COURT USE ONLY
ATTORNEY FOR (Name): South Coast Air Quality Management District		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 4050 Main Street MAILING ADDRESS: CITY AND ZIP CODE: Riverside, CA 92501 BRANCH NAME:		
CASE NAME: SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT V. CITY OF MORENO VALLEY, ET AL.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: RIC 1511213 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): One: Violation of CEQA
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015)

Date: September 18, 2015

Bradley R. Hogin, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties In Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tor/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)
- Employment
 - Wrongful Termination (36)
 - Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
 - Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
 - Negligent Breach of Contract/Warranty
 - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case—Seller Plaintiff
 - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief from Late Claim
 - Other Civil Petition

COPY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

- BANNING 311 E. Ramsey St., Banning, CA 92220
- BLYTHE 265 N. Broadway, Blythe, CA 92225
- HEMET 680 N. State St., Hemet, CA 92543
- MORENO VALLEY 13800 Heacock St., Ste. D201, Moreno Valley, CA 92553

- MURRIETA 30755-D Auld Rd., Suite 1226, Murrieta, CA 92563
- PALM SPRINGS 3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262
- RIVERSIDE 4050 Main St., Riverside, CA 92501
- TEMECULA 41002 County Center Dr., #100, Temecula, CA 92591

RI-030

<p><small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address)</small> Brad R. Hogin, Esq. - SBN 140372 Ricia R. Hager - SBN 234052 Vincent K. Wong - SBN 291436 Woodruff, Spradlin & Smart, 555 Anton Blvd., Ste. 1200, Costa Mesa, CA 92626</p> <p>TELEPHONE NO: 714-558-7000 FAX NO. (Optional): 714-835-7787</p> <p><small>E-MAIL ADDRESS (Optional):</small></p> <p>ATTORNEY FOR (Name): Petitioner South Coast Air Quality Management District</p>	<p style="text-align: center;"><small>FOR COURT USE ONLY</small></p> <p style="text-align: center; font-size: 2em; font-weight: bold;">FILED</p> <p style="text-align: center; font-size: 0.8em;">SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE</p> <p style="text-align: center; font-size: 1.2em;">SEP 18 2015</p> <p style="text-align: center; font-size: 1.2em;">L. VILLANUEVA</p>
<p style="text-align: center;">PLAINTIFF/PETITIONER: South Coast Air Quality Management District</p>	<p>CASE NUMBER: RIC 1511213</p>
<p style="text-align: center;">DEFENDANT/RESPONDENT: City of Moreno Valley, et al.</p>	
<p>CERTIFICATE OF COUNSEL</p>	

The undersigned certifies that this matter should be tried or heard in the court identified above for the reasons specified below:

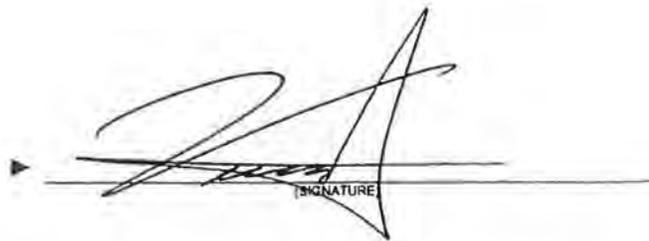
- The action arose in the zip code of: 92252
- The action concerns real property located in the zip code of: _____
- The Defendant resides in the zip code of: _____

For more information on where actions should be filed in the Riverside County Superior Courts, please refer to Local Rule 1.0015 at www.riverside.courts.ca.gov.

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

Date September 18, 2015

Vincent K. Wong
(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)



SIGNATURE



SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
www.riverside.courts.ca.gov

Self-represented parties: <http://riverside.courts.ca.gov/selfhelp/self-help.shtml>

**ALTERNATIVE DISPUTE RESOLUTION (ADR) –
INFORMATION PACKAGE**

(California Rules of Court, Rule 3.221; Local Rule, Title 3, Division 2)

***** THE PLAINTIFF MUST SERVE THIS INFORMATION PACKAGE
ON EACH PARTY WITH THE COMPLAINT. *****

What is ADR?

Alternative Dispute Resolution (ADR) is a way of solving legal disputes without going to trial. The main types are mediation, arbitration and settlement conferences.

Advantages of ADR:

- **Faster:** ADR can be done in a 1-day session within months after filing the complaint.
- **Less expensive:** Parties can save court costs and attorneys' and witness fees.
- **More control:** Parties choose their ADR process and provider.
- **Less stressful:** ADR is done informally in private offices, not public courtrooms.

Disadvantages of ADR:

- **No public trial:** Parties do not get a decision by a judge or jury.
- **Costs:** Parties may have to pay for both ADR and litigation.

Main Types of ADR:

Mediation: In mediation, the mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to create a settlement agreement that is acceptable to everyone. If the parties do not wish to settle the case, they go to trial.

Mediation may be appropriate when the parties:

- want to work out a solution but need help from a neutral person; or
- have communication problems or strong emotions that interfere with resolution; or
- have a continuing business or personal relationship.

Mediation is not appropriate when the parties:

- want their public "day in court" or a judicial determination on points of law or fact;
- lack equal bargaining power or have a history of physical/emotional abuse.

Arbitration: Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration the arbitrator's decision is final; there is no right to trial. In "non-binding" arbitration, any party can request a trial after the arbitrator's decision. The court's mandatory Judicial Arbitration program is non-binding.

Arbitration may be appropriate when the parties:

- ⚡ want to avoid trial, but still want a neutral person to decide the outcome of the case.

Arbitration is not appropriate when the parties:

- ⚡ do not want to risk going through both arbitration and trial (Judicial Arbitration)
- ⚡ do not want to give up their right to trial (binding arbitration)

Settlement Conferences: Settlement conferences are similar to mediation, but the settlement officer usually tries to negotiate an agreement by giving strong opinions about the strengths and weaknesses of the case, its monetary value, and the probable outcome at trial. Settlement conferences often involve attorneys more than the parties and often take place close to the trial date.

RIVERSIDE COUNTY SUPERIOR COURT ADR REQUIREMENTS

ADR Information and forms are posted on the ADR website: <http://riverside.courts.ca.gov/adr/adr.shtml>

General Policy:

Parties in most general civil cases are expected to participate in an ADR process before requesting a trial date and to participate in a settlement conference before trial. (Local Rule 3200)

Court-Ordered ADR:

Certain cases valued at under \$50,000 may be ordered to judicial arbitration or mediation. This order is usually made at the Case Management Conference. See the "Court-Ordered Mediation Information Sheet" on the ADR website for more information.

Private ADR (for cases not ordered to arbitration or mediation):

Parties schedule and pay for their ADR process without Court involvement. Parties may schedule private ADR at any time; there is no need to wait until the Case Management Conference. See the "Private Mediation Information Sheet" on the ADR website for more information.

BEFORE THE CASE MANAGEMENT CONFERENCE (CMC), ALL PARTIES MUST:

1. Discuss ADR with all parties at least 30 days before the CMC. Discuss:
 - ⚡ Your preferences for mediation or arbitration.
 - ⚡ Your schedule for discovery (getting the information you need) to make good decisions about settling the case at mediation or presenting your case at an arbitration.
2. File the attached "Stipulation for ADR" along with the Case Management Statement, if all parties can agree.
3. Be prepared to tell the judge your preference for mediation or arbitration and the date when you could complete it.

(Local Rule 3218)

RIVERSIDE COUNTY ADR PROVIDERS INCLUDE:

- ⚡ The Court's Civil Mediation Panel (available for both Court-Ordered Mediation and Private Mediation). See <http://adr.riverside.courts.ca.gov/adr/civil/panelist.php> or ask for the list in the civil clerk's office, attorney window.
- ⚡ Riverside County ADR providers funded by DRPA (Dispute Resolution Program Act):
Dispute Resolution Service (DRS) Riverside County Bar Association: (951) 682-1015
Dispute Resolution Center, Community Action Partnership (CAP): (951) 955-4900

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE <input type="checkbox"/> Banning - 135 N. Alessandro Road, Banning, CA 92220 <input type="checkbox"/> Hemet - 880 N. State Street, Hemet, CA 92543 <input type="checkbox"/> Indio - 46-200 Oasis Street, Indio, CA 92201 <input type="checkbox"/> Riverside - 4050 Main Street, Riverside, CA 92501 <input type="checkbox"/> Temecula - 41002 County Center Drive, Bldg. C - Suite 100, Temecula, CA 92591	
PLAINTIFF(S): _____ DEFENDANT(S): _____	CASE NUMBER: _____
STIPULATION FOR ALTERNATIVE DISPUTE RESOLUTION (ADR) (CRC 3.2221; Local Rule, Title 3, Division 2)	CASE MANAGEMENT CONFERENCE DATE(S) _____

Court-Ordered ADR:

Eligibility for Court-Ordered Mediation or Judicial Arbitration will be determined at the Case Management Conference. If eligible, the parties agree to participate in:

- Mediation Judicial Arbitration (non-binding)

Private ADR:

If the case is not eligible for Court-Ordered Mediation or Judicial Arbitration, the parties agree to participate in the following ADR process, which they will arrange and pay for without court involvement:

- Mediation Judicial Arbitration (non-binding)
 Binding Arbitration Other (describe): _____

Proposed date to complete ADR: _____

SUBMIT THIS FORM ALONG WITH THE CASE MANAGEMENT STATEMENT.

PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE

Additional signature(s) attached