

1 CHATTEN-BROWN, CARSTENS & MINTEER, LLP
2 Douglas P. Carstens, SBN 193439, dpc@cbcearthlaw.com
3 Michelle Black, SBN 261962, mnb@cbcearthlaw.com
4 2200 Pacific Coast Hwy, Suite 318
5 Hermosa Beach, CA 90254
6 310.798.2400; Fax 310.798.2402

7 Attorneys for Petitioners
8 Sierra Club, League of Women Voters of Fresno

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF FRESNO**

11 SIERRA CLUB, REVIVE THE SAN JOAQUIN
12 and LEAGUE OF WOMEN VOTERS OF
13 FRESNO

14 Petitioners,

15 v.

16 COUNTY OF FRESNO; FRESNO COUNTY
17 BOARD OF SUPERVISORS
18 Respondents,

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20 FRIANT RANCH L.P.;
21 Real Party In Interest
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CASE NO.: 11CECG00706;

Consolidated with Case Nos. 11CECG00709
and 11CECG00726

**NOTICE OF AMENDED PEREMPTORY
WRIT OF MANDATE**

Judge: Hon. Kristi Culver Kapetan
Department: 403
Petition Filed: March 7, 2011

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD;
2 PLEASE TAKE NOTICE: that attached hereto, as Exhibit A, is The Court's Amended Peremptory Writ
3 of Mandate in the above-captioned matter.
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6 DATED: February 23, 2021

CHATTEN-BROWN, CARSTENS & MINTEER, LLP
Attorneys for Sierra Club and
League of Women Voters of Fresno


9 By: 
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EXHIBIT A

1 Project in consideration of the judgment and the opinion of the
2 Court of Appeal of the State of California, Fifth Appellate
3 District, dated May 27, 2014, as modified by the opinion of the
4 Supreme Court of California dated December 24, 2018, and in
5 accordance with the opinion of the Court of Appeal of the State of
6 California, Fifth Appellate District, dated January 25, 2021,

7 IT IS HEREBY ORDERED that, promptly upon service of this
8 amended peremptory writ, County of Fresno, shall:

- 9 (1) Vacate its decision to approve the Friant Ranch Project,
10 which includes the approval of General Plan Amendment No.
11 511;
- 12 (2) Void its decision to certify the completion of the final
13 EIR; and
- 14 (3) Not approve the project before preparing a revised EIR,
15 circulating the revisions to the EIR, and certifying the
16 completion of the revised EIR. The revised EIR, in
17 accordance with the decision of the California Supreme
18 Court, shall provide an adequate discussion of health and
19 safety problems that will be caused by the rise in various
20 air pollutants resulting from the Project's development,
21 which analysis shall reasonably inform the public and the
22 decision making body how anticipated air quality effects
23 will adversely affect human health or, alternatively,
24 shall adequately explain why it is not scientifically
25 feasible at the time of drafting to provide such an
26 analysis. In addition, the revised EIR must either explain
27 the bare conclusion that "mitigation measures will
28 *substantially* reduce air quality impacts related human

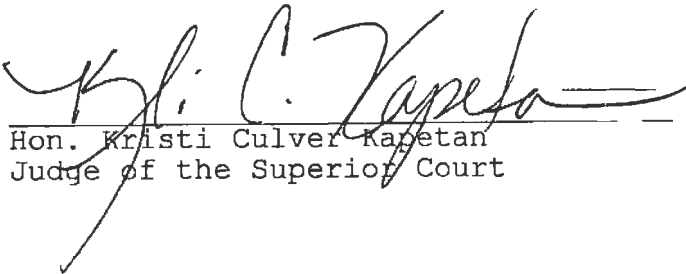
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activity within the entire Project area" or delete the word "substantially."

This court retains jurisdiction over the proceedings by way of a return to this peremptory writ of mandate until the court has determined that respondent has complied with the provisions of the California Environmental Quality Act and the opinion of the Court of Appeal as modified by the Opinion of the Supreme Court.

BY ORDER OF THE COURT, THE AMENDED PEREMPTORY WRIT SHALL BE ISSUED.

Dated this 16th day of February, 2021.


Hon. Kristi Culver Kapetan
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA - COUNTY OF FRESNO Civil Department, Central Division 1130 "O" Street Fresno, California 93724-0002 (559) 457-2000	<i>FOR COURT USE ONLY</i>
TITLE OF CASE: City of Fresno vs County of Fresno / CEQA	
CLERK'S CERTIFICATE OF MAILING	CASE NUMBER: 11CECG00706

I certify that I am not a party to this cause and that a true copy of the:

[Amended Peremptory Writ of Mandate, dated 2/16/21]

was placed in a sealed envelope and placed for collection and mailing on the date and at the place shown below following our ordinary business practice. I am readily familiar with this court's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Place of mailing: Fresno, California 93724-0002

On Date: 02/17/2021

Clerk, by  Deputy
Estela Alvarado

June Ailin
 Aleshire & Wynder, LLP
 2361 Rosecrans Ave., Suite 475
 El Segundo, CA 90245

Bryan N Wagner
 Wagner & Wagner APC
 7110 N. Fresno St., Suite 340
 Fresno, CA 93720

Kyle R. Roberson
 Fresno County Counsel
 2220 Tulare Street, 5th Floor
 Fresno, CA 93721

Robert S Perlmutter
 Shute, Mihaly & Weinberger LLP
 396 Hayes Street
 San Francisco, CA 94102

James G. Moose
 Remy, Moose & Manley LLP
 555 Capitol Mall, Suite 800
 Sacramento, CA 95814

Douglas P. Carstens
 Chatten-Brown, Carstens & Minter, LLP
 2200 Pacific Coast Highway, Suite 318
 Hermosa Beach, CA 90254

Court of Appeals, Fifth Appellate District
 2424 Ventura Street
 Fresno, California, 93721

Clerk's Certificate of Mailing Additional Address Page Attached

1 **PROOF OF SERVICE**

2 I am employed by Chatten-Brown, Carstens & Minter LLP in the County of Los Angeles, State of
3 California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific
4 Coast Highway, Ste. 318, Hermosa Beach, CA. On February 23, 2021, I served the within documents:

5 **NOTICE OF AMENDED PEREMPTORY WRIT OF MANDATE**

6 **VIA UNITED STATES MAIL.** I am readily familiar with this business’ practice for
7 collection and processing of correspondence for mailing with the United States Postal Service.
8 On the same day that correspondence is placed for collection and mailing, it is deposited in
9 the ordinary course of business with the United States Postal Service in a sealed envelope with
10 postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or
11 package addressed to the person(s) at the address(es) as set forth below, and following
12 ordinary business practices I placed the package for collection and mailing on the date and at
13 the place of business set forth above.

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

19 **VIA ONE LEGAL E-SERVICE.** By submitting an electronic version of the
20 document(s) to One Legal, LLC, through the user interface at
21 www.onelegal.com.

22 **PERSONAL SERVICE VIA ONE LEGAL.** One legal served by hand a true and correct
23 copy of the above-referenced document(s) by placing them in an envelope or package and
24 personally delivering them to the person(s) at the address(es) listed below.

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

28 I declare that I am employed in the office of a member of the bar of this court whose direction the
service was made. I declare under penalty of perjury under the laws of the State of California that the above is
true and correct. Executed on February 23, 2021, at Hermosa Beach, California.

/s/ Cynthia Kellman

Cynthia Kellman

1 **SERVICE LIST**

2 Via Electronic and Personal Service

3 *Attorneys for Respondents, County of Fresno, et al.*

4 Daniel C. Cederborg

5 County Counsel

6 Kyle R. Roberson

7 Deputy County Counsel

8 FRESNO COUNTY COUNSEL

9 2220 Tulare Street, Suite 500

10 Fresno, CA 93721

11 kroberson@fresnocountyca.gov

12 Via Electronic Service

13 *Attorneys for Real Party in Interest, Friant Ranch, L.P.*

14 James G. Moose

15 Tiffany K. Wright

16 Laura M. Harris

17 REMY MOOSE MANLEY, LLP

18 555 Capitol Mall, Suite 800

19 Sacramento, CA 95814

20 jmoose@rmmenvirolaw.com

21 twright@rmmenvirolaw.com

22 lharris@rmmenvirolaw.com

23

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