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Superior Court of California
County of Los Angeles

MAY 04 2017

Sherri R. Carter, Executive Officer/Clerk

Dr. Michael Rivera, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

UNITED WALNUT TAXPAYERS, a
California Nonprofit Fictitious Business
Entity,

Plaintiff and Petitioner,

v.

MOUNT SAN ANTONIO
COMMUNITY COLLEGE DISTRICT;
WILLIAM SCROGGINS in his official
capacity as President and CEO of
Mt. San Antonio Community College,
and DOES 1 through 10, inclusive,

Defendants and Respondents,

TILDEN-COIL CONSTRUCTORS, INC.,
and DOES 11 through 20, inclusive,

Real Parties in Interest.

**AND RELATED CONSOLIDATED
ACTIONS AND CROSS ACTION**

Case No. BC576587 [Master File]
(Consolidated with Case Nos. BS154389,
BC600860 & BS159593)

Assigned for All Purposes to the
Honorable Judge James C. Chalfant
Dept. 85

**[PROPOSED] JUDGMENT ON
CONSOLIDATED ACTIONS OF
UNITED WALNUT TAXPAYERS,
CITY OF WALNUT, AND MOUNT
SAN ANTONIO COMMUNITY
COLLEGE DISTRICT**

Date: March 14, 2017

Time: 1:30 p.m.

Place: Department 85

[Lead Case Filed: March 24, 2015]

The hearing on the merits of this consolidated matter was heard in Department 85 of this
Court before the Honorable Judge James C. Chalfant, on March 14, 2017. Craig A. Sherman
appeared for plaintiff and petitioner United Walnut Taxpayers ("UWT"), John G. McClendon

1 of Leibold McClendon & Mann, P.C., appeared for petitioner CITY OF WALNUT ("City"), and
2 Sean B. Absher of Stradling Yocca Carlson & Rauth, P.C., appeared for defendants and
3 respondents MOUNT SAN ANTONIO COMMUNITY COLLEGE DISTRICT, WILLIAM SCROGGINS and
4 BOARD OF DIRECTORS OF THE MOUNT SAN ANTONIO COMMUNITY COLLEGE DISTRICT
5 (collectively, the "District").

6 After considering the pleadings, the certified *Administrative Record*, the declarations and
7 arguments in this matter,

8 IT IS HEREBY ORDERED THAT:

9 1. For the reasons stated in the Court's March 14, 2017, *Decision* (incorporated
10 herein by reference), UWT and the City shall have judgment against the District, and the District
11 shall have judgment against the City, as set forth below.

12 2. UWT's *Second Amended Complaint* (styled a petition for writ of mandate), is
13 granted in large part as follows:

14 a. As to UWT's *First Cause of Action* alleging unlawful Measure RR
15 spending challenges against the Parking Garage Project and Solar Project, UWT has filed
16 a dismissal of the claim, without prejudice, and dismissal has been entered.

17 b. As to UWT's *Second Cause of Action for Mandamus* under CEQA, that the
18 District failed to proceed in the manner required by law by approving the Parking Garage
19 Project and Solar Project, UWT shall have judgment against the District and a
20 peremptory writ of mandate shall issue under seal of this Court in the form attached
21 hereto as Exhibit A;

22 c. As to UWT's *Third Cause of Action for Mandamus* alleging violation of
23 the City's zoning and grading ordinances for the Parking Garage Project (which is moot)
24 and the Solar Project, UWT shall have judgment that the District is required to comply
25 with the City's grading ordinance in constructing the Solar Project;

26 d. As to UWT's *Fourth Cause of Action* seeking to set aside the District's
27 February 11, 2015 resolution finding the Parking Garage Project to be exempt from the
28 City's zoning ordinances, the claim is moot;

1 e. As to UWT's *Fifth Cause of Action* based on a District pattern and practice
2 of improperly using programmatic EIRs to approve master plan program projects (2002
3 to 2012 EIRs) in a legally defective manner, UWT is entitled to judgment for declaratory
4 and injunctive relief that the District must prepare and circulate initial studies for its
5 identified master plan projects as such projects come up for actual decisions for design
6 and/or implementation; and

7 f. As to UWT's *Sixth Cause of Action* alleging the Lease-Leaseback
8 arrangement between the District and Tilden-Coil Constructors, Inc. is unlawful, UWT
9 has filed a dismissal of the claim, with prejudice, and dismissal has been entered.

10 3. As to the City's *First Amended Petition for Writ of Mandate; Complaint for*
11 *Declaratory Relief*, it is granted in part as follows: The City is entitled to judgment against the
12 District and a peremptory writ of mandate shall issue under seal of this Court in the form
13 attached hereto as Exhibit A.

14 4. As to the District's *Second Amended Cross-Complaint for Declaratory and*
15 *Injunctive Relief; Cross-Petition for Writ of Mandate*, it is granted in part as follows: The
16 District is entitled to judgment for declaratory relief that (1) because the Solar Project is subject
17 to the exemptions in subdivisions (d) and (e) of Government Code section 53091, and because
18 of these exemptions the District may proceed with construction of the Solar Project without
19 applying for zoning and building permits from the City, with the exception of grading and haul
20 route approvals, (2) the City may not enforce the Stop Work Order by requiring land entitlements
21 and a conditional use permit but may enforce the requirement of grading and haul route
22 approvals, and (3) the City must review and process the grading plans for approval under its
23 grading ordinances, but without a conditional use permit, building permits, or zoning controls
24 other than grading and haul route approvals.

25 5. In accordance with Code of Civil Procedure section 1033, and Rule 3.1700 of the
26 California Rules of Court, UWT is awarded its costs, as awarded against the District, in the
27 amount of _____, subject to the timely submission of a Memorandum of Costs.

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1 6. UWT may seek, pursuant to appropriate noticed motion, an award of its attorneys'
2 fees awarded against the District, and this Court reserves and retains jurisdiction to determine
3 the amount of such fees, if any. If such a motion is granted, this judgment will be amended to
4 award the amount of \$ _____ [to be determined] in attorneys' fees.

5 7. The City may seek, pursuant to appropriate noticed motion, an award of its
6 attorneys' fees awarded against the District, and this Court reserves and retains jurisdiction to
7 determine the amount of such fees, if any. If such a motion is granted, this judgment will be
8 amended to award the amount of \$ _____ [to be determined] in attorneys' fees.

9 8. The District may seek, pursuant to appropriate noticed motion, an award of its
10 attorneys' fees awarded against the City, and this Court reserves and retains jurisdiction to
11 determine the amount of such fees, if any. If such a motion is granted, this judgment will be
12 amended to award the amount of \$ _____ [to be determined] in attorneys' fees.

13 9. This Court shall reserve and retain jurisdiction over this consolidated action until
14 such time as the District files a return evidencing it has complied with the attached *Peremptory*
15 *Writ of Mandate*.

16
17 **IT IS SO ORDERED AND ADJUDGED.**

18
19 DATED: **MAY 04 2017**

JAMES C. CHALFANT

Judge of the Superior Court

EXHIBIT A

EXHIBIT 1

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT
10

11 UNITED WALNUT TAXPAYERS, a
12 California Nonprofit Fictitious Business
Entity,

13 Plaintiff and Petitioner,

14 v.

15 MOUNT SAN ANTONIO
16 COMMUNITY COLLEGE DISTRICT;
17 WILLIAM SCROGGINS in his official
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Mt. San Antonio Community College,
and DOES 1 through 10, inclusive,

18 Defendants and Respondents,

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21 Real Parties in Interest.

22 *AND RELATED CONSOLIDATED*
23 *ACTIONS AND CROSS ACTION*
24
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Case No. BC576587 [Master File]
(Consolidated with Case Nos. BS154389,
BC600860 & BS159593)

Assigned for All Purposes to the
Honorable Judge James C. Chalfant
Dept. 85

PEREMPTORY WRIT OF MANDATE

Date: March 14, 2017

Time: 1:30 p.m.

Place: Department 85

[Lead Case Filed: March 24, 2015]

26 TO: RESPONDENTS MOUNT SAN ANTONIO COMMUNITY COLLEGE DISTRICT;
27 WILLIAM SCROGGINS; BOARD OF DIRECTORS OF MOUNT SAN ANTONIO
28 COMMUNITY COLLEGE DISTRICT; AND TO THEIR ATTORNEYS OF RECORD:

1 After a determination that you prejudicially abused your discretion and failed to proceed
2 in the manner required by the California Environmental Quality Act (Public Resources Code
3 §§ 21000 *et seq.* "CEQA"), and judgment having been entered in this proceeding in favor of
4 petitioner and plaintiff UNITED WALNUT TAXPAYERS and CITY OF WALNUT ordering that a
5 peremptory writ of mandate issue under seal of this Court,

6 IT IS SO ORDERED that, immediately upon service of this writ defendants and
7 respondents MOUNT SAN ANTONIO COMMUNITY COLLEGE DISTRICT; WILLIAM SCROGGINS, and
8 BOARD OF DIRECTORS OF MOUNT SAN ANTONIO COMMUNITY COLLEGE DISTRICT (collectively,
9 "Respondents") shall set aside all approvals, including the Addendum, ^{BE} ^{WL} ~~pertaining~~ to their
10 development of the "West Parcel Solar Project" on undeveloped land south of Temple
11 Avenue/Amar Road and west of Grand Avenue, in the area commonly known as the "West
12 Parcel" [APN 8709-023-917] (the "Project").

13 Respondents are further restrained from taking any actions in furtherance of the Project
14 unless and until they prepare and circulate an initial study for the Project and thereafter prepare
15 an appropriate CEQA document and/or make an appropriate CEQA determination and finding.

16 In accordance with Public Resources Code section 21168.9(b), this Court shall retain
17 jurisdiction over Respondents by way of a return to this peremptory writ of mandate until this
18 Court has determined that Respondents have complied with the foregoing order.

19 Respondents shall file a return to this writ no later than sixty (60) days from the date this
20 writ is issued setting forth what Respondents have done to comply with the writ set forth herein.

21

22 LET THE WRIT OF MANDATE ISSUE.

23

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25

26 DATED: _____

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Clerk of the Superior Court

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