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1 2 3 4 5 6	JAMES DEAGUILERA, ESQ. #166315 LAW OFFICES OF JAMES DEAGUILERA 2068 Orange Tree Lane, Suite 218 Redlands, CA 92374 Telephone: (909) 307-5750 Fax No. : (909) 307-5755 Attorney for Petitioner	FILED SUPERIOR COURT COUNTY OF SAN BERNARDINO VICTORVILLE DISTRICT APR 2 6 2005 SUPERIOR COURT OF CALIFORNIA ByDeputy
7	SUPERIOR COURT OF	THE STATE OF CALIFORNIA
8	COUNTY OF SAN BERNAR	DINO, VICTORVILLE DISTRICT
9 10	CITIZENS TO ENFORCE CEQA, an unincorporated association,	CASE NO. VCVVS 031829
11,	Petitioner,	JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE
12	vs.	
13 14 15	CITY OF HESPERIA; CITY COUNCIL OF THE CITY OF HESPERIA; HESPERIA COMMUNITY REDEVELOPMENT AGENCY; HESPERIA FIRE PROTECTION DISTRICT; and HESPERIA WATER DISTRICT, Does 1-25, inclusive,	HONORABLE DAVID S. COHN DEPT; V3
. 16	Respondents/Defendants.	
17	RINALDO CORPORATION,	
18	Proposed Intervener,	
. 20	TIMBISHA SHOSHONE TRIBE,	
21	Real Party in Interest.	
22	This matter came on regularly for h	earing on October 29, 2004 in Department
23	V3 of this court, located at 14455 Civic Ce	. •
24		er CITIZENS TO ENFORCE CEQA and Brian
25		behalf of Respondents CITY OF HESPERIA;
26		A; HESPERIA COMMUNITY REDEVELOPMENT
27		ISTRICT; and HESPERIA WATER DISTRICT.
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Dated:

The court having reviewed the record of Respondents' proceedings In this matter, the briefs submitted by counsel, and the arguments of counsel, and the matter having been submitted for decision; and the court having issued an order granting petition for writ of mandate and ordering Respondents CITY OF HESPERIA; CITY COUNCIL OF THE CITY OF HESPERIA; HESPERIA COMMUNITY REDEVELOPMENT AGENCY; HESPERIA FIRE PROTECTION DISTRICT; and HESPERIA WATER DISTRICT to comply with the requirements of the California Environmental Quality Act as to those activities authorized by the Municipal Services Agreement and as set forth in the court's order, the court ordered that a judgment issue in this proceeding.

IT IS ORDERED that:

1. Judgment be entered in favor of petitioner in this proceeding;

2. Petitioner be awarded its costs of suit and \$35,000 in attorney fees; and

3. The court reserves jurisdiction to enforce its order and judgment.

04-28-15

DAVID COHN

HONORABLE DAVID S. COHN SUPERIOR COURT JUDGE

Page 2 of 2 JUDGMENT GRANTING PETITION FOR WRIT OF MANDATE

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2	JAMES DEAGUILERA, ESQ. #166315 LAW OFFICES OF JAMES DEAGUILERA	FILED	
3	2068 Orange Tree Lane, Suite 218	SUPERIOR COURT COUNTY OF SAN BERNARDINO VICTORVILLE DISTRICT	
4	Redlands, CA 92374 Telephone: (909) 307-5750	APR 2 6 2005	
5	Facsimile: (909) 307-5755	SUPERIOR COURT OF CALIFORNIA	
6	Attorney for Petitioner	By Deputy	
. 7	SUPERIOR COURT OF T	THE STATE OF CALIFORNIA	8
· 8	COUNTY OF SAN BERNARI	DINO, VICTORVILLE DISTRICT	
9	CITIZENS TO ENFORCE CEQA, an	CASE NO. VCVVS 031829	
10	unincorporated association,		
11	Petitioner,	ORDER GRANTING PETITION FOR WRIT OF MANDATE	
12		HONORABLE DAVID S. COHN	
13	CITY OF HESPERIA; CITY COUNCIL OF THE CITY OF HESPERIA; HESPERIA COMMUNITY REDEVELOPMENT	DEPT: V3	
14	AGENCY; HESPERIA FIRE PROTECTION DISTRICT; and HESPERIA WATER DISTRICT, Does 1-25, inclusive,		
15	Respondents,		
16	RINALDO CORPORATION,		
17	Proposed Intervener,	,	
18			
19	TIMBISHA SHOSHONE TRIBE,		
20	Real Party in Interest.)		
21			
22	This matter came on regularly for he	earing on October 29, 2004 in Department V3	
23	of this court, located at 14455 Civic Center	Drive, Victorville, California. Attorney James	
24	DeAguilera appearing on behalf of Petition	er and Brian Cullen and Robert Dougherty	
25 Derfections Law Office 2048 Orange Trac La Sale 214 Realiseds C4 52374	appearing on behalf of Respondents City of	f Hesperia, City Counsel of the City of	
	ORDER GRANTING PETT	1 TION FOR WRIT OF MANDATE	

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2	Hesperia, Hesperia Community Redevelopment Agency, Hesperia Fire Protection District	
3	and Hesperia Water. The court issued a Statement of Decision on December 27, 2004.	
4	The court having reviewed the record of Respondents' proceedings in this matter,	
5	the briefs submitted by counsel, and the arguments of counsel, and the matter having	
6	been submitted for decision, the court finds that certain activities contemplated by the	
7	Municipal Services Agreement (MSA) approved by Respondents on October 29, 2003	
8	would qualify as a "project" under the California Environmental Quality Act (CEQA),	
9	Public Resource Code § 2100, et seq.	
10 11	IT IS SO ORDERED that:	
12	1. Judgment be entered in favor of Petitioner in this proceeding.	
12	2. Respondents are hereby ordered to suspend and/or defer activities under	
14	this MSA that would result an adverse change(s) to the physical environment including	
15	for example, the construction of the fire station, construction and/or widening of road	
16	construction and/or extension of sewer and/or water line until the Respondents has	
17	taken action(s) to comply with CEQA as to those actions or activities. This order does	
18	not void the Respondents' decision(s) to approve or adopt the MSA and does not require	
19	that the Respondents suspend activities under the MSA except actions or activities such	
20	as those described above that would result in an adverse change to the physical	
21	environment. This Order is based on the findings that (1) other activity(les) by	
22	Respondents in furtherance of the MSA are severable from the non-complying portion or	
23	activities of the MSA as described above such as the construction of the fire station,	
24		

2 ORDER GRANTING PETITION FOR WRIT OF MANDATE

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	2	construction of extension of sewer and water lines and construction or widening of
	3	roadways; (2) severance will not prejudice full compliance with CEQA; and (3)
	4	performance of the remainder of the activities contemplated by the MSA would not
	· 5	violate CEQA.
	6	
	7	Dated: 04-28-05
	8	HONORABLE DAVID S. COHN
	9	SUPERIOR COURT JUDGE
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		3 ORDER GRANTING PETITION FOR WRIT OF MANDATE