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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 - 05

DAVID COHN

Dated: _____

HONORABLE DAVID S. COHN
SUPERIOR COURT JUDGE

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Attorney for Petitioner

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

APR 26 2005

SUPERIOR COURT OF CALIFORNIA
By Alfaro Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO, VICTORVILLE DISTRICT

CITIZENS TO ENFORCE CEQA, an
unincorporated association,

Petitioner,

vs.

CASE NO. VCWS 031829

**ORDER GRANTING PETITION FOR
WRIT OF MANDATE**

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,

Respondents.

HONORABLE DAVID S. COHN
DEPT: V3

RINALDO CORPORATION,

Proposed Intervener,

TIMBISHA SHOSHONE TRIBE,

Real Party in Interest.

This matter came on regularly for hearing on October 29, 2004 in Department V3
of this court, located at 14455 Civic Center Drive, Victorville, California. Attorney James
DeAguilera appearing on behalf of Petitioner and Brian Cullen and Robert Dougherty
appearing on behalf of Respondents City of Hesperia, City Counsel of the City of

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Hesperia, Hesperia Community Redevelopment Agency, Hesperia Fire Protection District and Hesperia Water. The court issued a Statement of Decision on December 27, 2004.

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, the court finds that certain activities contemplated by the Municipal Services Agreement (MSA) approved by Respondents on October 29, 2003 would qualify as a "project" under the California Environmental Quality Act (CEQA), Public Resource Code § 2100, et seq.

IT IS SO ORDERED that:

- 1. Judgment be entered in favor of Petitioner in this proceeding.
- 2. Respondents are hereby ordered to suspend and/or defer activities under

this MSA that would result an adverse change(s) to the physical environment including for example, the construction of the fire station, construction and/or widening of road construction and/or extension of sewer and/or water line until the Respondents has taken action(s) to comply with CEQA as to those actions or activities. This order does not void the Respondents' decision(s) to approve or adopt the MSA and does not require that the Respondents suspend activities under the MSA except actions or activities such as those described above that would result in an adverse change to the physical environment. This Order is based on the findings that (1) other activity(ies) by Respondents in furtherance of the MSA are severable from the non-complying portion or activities of the MSA as described above such as the construction of the fire station,

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construction of extension of sewer and water lines and construction or widening of roadways; (2) severance will not prejudice full compliance with CEQA; and (3) performance of the remainder of the activities contemplated by the MSA would not violate CEQA.

Dated: 04-26-05

DAVID COHN

**HONORABLE DAVID S. COHN
SUPERIOR COURT JUDGE**

Deputy Clerk's Office
2000 Orange Street
Folsom, CA 95758
Re: 04/28/05