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LOS ANGELES
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

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CITY OF BURBANK,
Petitioner,
v.
CITY OF LOS ANGELES, CITY
COUNCIL OF THE CITY OF LOS
ANGELES, *et al.*,
Respondents.

) Case No. BS106498
)
) Assigned for all purposes:
) Honorable James C. Chalfant
) Department 13
)
) ~~PROPOSED~~ PEREMPTORY WRIT OF
) MANDATE
)
)
) Original Petition Filed: December 13, 2006

REFERRED TO CITY ATTORNEY
FOR DISPOSITION

NOV - 8 2007 *D/S. [Signature]*

RECEIVED
CITY CLERK'S OFFICE
2007 NOV - 7 PM 3:39
BY mc
CITY CLERK
DEPUTY

FOR

1 To Respondents, City of Los Angeles and City Council of the City of Los Angeles
2 ("Respondents") in conjunction with the Los Angeles Integrated Resources Plan ("IRP") project:

3 Judgment having been entered in this proceeding ordering that Petitioner City of Burbank's
4 petition for writ of mandate be granted and that a peremptory writ of mandate be issued from this
5 Court solely on the issues stated in the final Statement of Decision issued by the Court,

6 YOU ARE HEREBY COMMANDED to:

7 1. [Petitioner's Proposed Language: Set aside approval of the final EIR and
8 *to be recertified for reapproval of GBIS*
9 correct the deficiencies that have been identified before ~~recertification~~; the
10 set aside shall take place within 15 Los Angeles City Council working days
11 of service of this Writ;]

12 [~~Respondents' Proposed Language: Set aside approval of the final EIR
13 with respect to Glendale-Burbank Interceptor Sewer ("GBIS") and correct
14 the deficiencies that have been identified before recertification for
15 reapproval of GBIS; the set aside shall take place within 15 Los Angeles
16 City Council working days of service of this Writ;~~]

17 2. Suspend the Glendale-Burbank Interceptor Sewer ("GBIS") portion of the
18 IRP project pending adequate environmental review consistent with the
19 Court's final Statement of Decision; and

20 3. Prior to any reapproval of the GBIS portion of the IRP, correct the EIR
21 deficiencies that have been identified in the Court's final Statement of
22 Decision with respect to portions of the GBIS hybrid's settlement impacts,
23 traffic impacts, traffic mitigation, construction noise for sensitive receptors
24 along Pass Avenue in Burbank, and cumulative impacts.

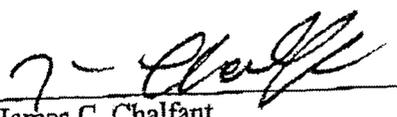
25 Nothing in this Writ shall be construed to limit or control the discretion vested in
26 Respondents to determine the appropriate manner in which to comply with the California
27 Environmental Quality Act ("CEQA") in correcting the EIR deficiencies identified in the Court's
28 final Statement of Decision, or direct Respondents to exercise their discretion in any way.

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YOU ARE FURTHER COMMANDED to make and file a return to this Writ setting forth what you have done to comply with this Writ and the Court's final Statement of Decision. This Court shall retain jurisdiction over your proceedings by way of that return until this Court has determined that you have complied with the commands set forth in this Writ and the Court's final Statement of Decision.

The foregoing Writ is issued forthwith.

Dated: 10/29/07


Honorable James C. Chalfant
Judge of the Los Angeles County Superior Court

Attest my hand and the seal of this Court on this ___ day of _____, 2007.

Clerk of the Superior Court

By: _____
Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Mark J. Dillon (State Bar No. 108329) Rachel C. Cook (State Bar No. 230140) Gatzke Dillon & Ballance LLP 1525 Faraday Avenue, Suite 150 Carlsbad, California 92008 TELEPHONE NO.: (760) 431-9501 FAX NO. (Optional): (760) 431-9512 E-MAIL ADDRESS (Optional): mdillon@gdandb.com; rcook@gdandb.com ATTORNEY FOR (Name): <u>Petitioner, City of Burbank</u>	FOR COURT USE ONLY CASE NUMBER: BS106498
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central District	
PETITIONER/PLAINTIFF: City of Burbank RESPONDENT/DEFENDANT: City of Los Angeles; and City Council of Los Angeles	
PROOF OF PERSONAL SERVICE—CIVIL	

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and not a party to this action.
- I served the following documents (specify): Peremptory Writ of Mandate

The documents are listed in the Attachment to Proof of Personal Service—Civil (Documents Served) (form POS-020(D)).

- I personally served the following persons at the address, date, and time stated:
 - Name: Frank T. Martinez, City Clerk at the City of Los Angeles
 - Address: 200 North Spring Street, Room 360, Los Angeles, CA 90012
 - Date: 11/7/07
 - Time: 3:40pm Robert Hall

The persons are listed in the Attachment to Proof of Personal Service—Civil (Persons Served) (form POS-020(P)).

- I am
 - not a registered California process server.
 - a registered California process server.
 - an employee or independent contractor of a registered California process server.
 - exempt from registration under Business & Professions Code section 22350(b).

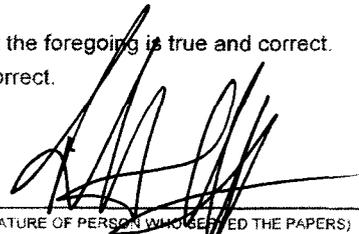
- My name, address, telephone number, and, if applicable, county of registration and number are (specify):
 R. Hall
 3500 FIFTH AVENUE #202 (619) 299-2012
 SAN DIEGO, CA 92103
 LOS ANGELES COUNTY 5181

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: 11/7/07
 R. Hall

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)



SHORT TITLE: City of Burbank v. city of Los Angeles, et al.	CASE NUMBER: BS 106498
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ATTACHMENT TO PROOF OF PERSONAL SERVICE—CIVIL (PERSONS SERVED)

(This Attachment is for use with form POS-020)

<u>Name of Person Served</u>	<u>Address (number, street, city, and zip code)</u>	<u>Date and Time of Service</u>
Frank T. Martinez, City Clerk, City of Los Angeles	200 North Spring Street, Room 360 Los Angeles, CA 90012	Date: _____ Time: _____
		Date: _____ Time: _____