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CITY OF CARSON

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



12 CITY OF CARSON, a general law city &
municipal corporation,

13 Plaintiff & Petitioner,

14 v.

15 STATE OF CALIFORNIA, acting by and
16 through The Governor’s Office of Planning and
Research; KENNETH ALEX, in his official
17 capacity as Director of The Governor’s Office
of Planning and Research; CALIFORNIA
18 STATE UNIVERSITY DOMINGUEZ HILLS,
acting through authority delegated by & the
19 BOARD OF TRUSTEES OF THE CALIFORNIA
STATE UNIVERSITY, a political subdivision of
20 the State of California acting in its higher
education capacity; and DOES 1-50.

21 Defendants & Respondents.

Case No. BS172187

Assigned for All Purposes To:
Hon. Amy D. Hogue, Dept. 86

**FIRST AMENDED PETITION FOR WRIT
OF MANDATE (Code of Civil Procedure §§
1085, 1086 & 1094.5) & COMPLAINT
FOR VIOLATION OF CALIFORNIA
CODE OF REGULATIONS; ABUSE OF
DISCRETION; FAILING TO MAKE
REQUIRED FINDINGS; FAILURE TO
SUPPORT FINDINGS WITH
SUBSTANTIAL EVIDENCE; ERRORS
OF LAW; DENIAL OF FAIR HEARING;
DENIAL OF DUE PROCESS;
UNLAWFUL USURPATION OF LEAD
AGENCY STATUS; DECLARATORY &
INJUNCTIVE RELIEF**

Action filed: January 24, 2018
Trial Date: Not Yet Set

24 **INTRODUCTORY STATEMENT**

25 1. This Petition/Complaint challenges the unlawful designation of, and the unlawful
26 usurpation and exercise of, “lead agency” status by CALIFORNIA STATE UNIVERSITY
27 DOMINGUEZ HILLS (“CSU-DH”), acting by and through authority delegated by & the BOARD OF
28 TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY (“CSU”) for the environmental review



1 following reasons, among others: (a) the wrongful conduct, acts and omissions of some
2 Respondents/Defendants, and each of them, hereinafter alleged occurred and took place in the County
3 of Los Angeles, State of California; (b) the effects of such wrongful conduct and the damages resulting
4 therefrom to Petitioner/Plaintiff have occurred in the County of Los Angeles, State of California; (c)
5 CSU, CSU-DH, their employees and representatives and most of the witnesses to the conduct alleged
6 herein, reside in or around the County of Los Angeles or have their principal places of business and
7 conduct their businesses within the County of Los Angeles, State of California.

8 10. The City has performed all conditions precedent to filing this action including
9 exhausting all available administrative remedies and has no other remedy than this action. The City
10 has no plain, speedy, and adequate remedy other than relief through this Petition/Complaint.

11 11. This Petition is deemed verified pursuant to Code of Civil Procedure § 446.

12 **FACTS**

13 **City of Carson**

14 12. At all times mentioned herein, the City was and is a municipal corporation, located in
15 the County of Los Angeles, organized and existing under and by virtue of the laws of the State of
16 California as a general law city.

17 **OPR**

18 13. The City is informed and believes, and alleges on the basis of such information and
19 belief, that under Title 14 of the California Code of Regulations § 15053, OPR is statutorily
20 authorized to resolve disputes regarding lead agency status for environmental review of a project after
21 receiving a completed request to resolve a dispute and designate a Lead Agency.

22 14. The City is informed and believes, and alleges on the basis of such information and
23 belief, that OPR must apply statutory guidelines (Title 14 California Code of Regulations, §§ 15051 &
24 16000 *et seq.*) to resolve any lead agency dispute and to make determinations. OPR’s January 26,
25 2018 designation letter (“OPR Designation Letter”) is a subject of this action and is attached hereto as
26 Exhibit “A,” and incorporated herein by this reference.

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1 **CSU-DH & CSU**

2 15. Petitioner is informed and believes, and alleges on the basis of such information and
3 belief, that CSU-DH was founded in 1960 and serves undergraduate and graduate students as a state
4 university. The CSU-DH campus comprises 344 acres within the heart of the City of Carson,
5 California. Petitioner is informed and believes, and alleges on the basis of such information and
6 belief, that CSU-DH acts by and through authority delegated by the BOARD OF TRUSTEES of the
7 CALIFORNIA STATE UNIVERSITY, both of which are political subdivisions of the STATE OF
8 CALIFORNIA acting in its higher education capacity.

9 **CSU-DH Master Plan Update**

10 16. In 2017, the California State University Office of the Chancellor and the Board of
11 Trustees approved the CSUDH-MP.

12 17. The CSUDH-MP includes the development of new and renewed academic and
13 administrative facilities, and development of a new mixed-use University Village on 85 acres at the
14 east of the campus as well as the addition of 3,000 seats in the sports and entertainment complex
15 presently known as the “StubHub Center” none of which is to be undertaken exclusively for
16 educational purposes. The “University Village” component of the CSUDH-MP will, by itself, consist
17 of approximately 2,000 market-rate residential housing units, 94,300 square feet of retail space, and
18 33 acres of private business park, none of which is to be undertaken exclusively for educational
19 purposes.

20 18. A true and correct copy of the CUSDH-MP can be found on-line and is linked at
21 <http://www4.csudh.edu/fpcm/campus-master-plan-update/index> incorporated herein by this reference
22 as Exhibit “B.”

23 **Lead Agency Dispute**

24 19. On or about August 9, 2017, the City learned, for the first time, of the University’s plan
25 to issue Notice of Preparation (“NOP”) of and the Draft Environment Impact Report (“DEIR”) for the
26 CSU-DH Master Plan. CSU-DH declared the University’s intention to issue the NOP in August and
27 circulate the DEIR in October.



1 20. On August 10, 2017, on behalf of City as directed by a unanimous City Council, Mayor
2 Albert Robles (“Mayor”) sent a letter declaring Carson as “lead agency” for the Environmental
3 Review of the CSU-DH Master Plan (“Carson Letter One”). The Carson Letter One explained, if the
4 parties were “unable to promptly reach an agreement satisfactory to the City, Carson is prepared to
5 request that the Office of Planning and Research designate Carson the lead agency pursuant to Section
6 15053 of the CEQA Guidelines.” The Mayor’s August 10, 2017 Carson Letter One is attached hereto
7 as Exhibit “C.”

8 21. On or about August 21, 2017, Framoze M. Virjee (“Virjee”), general counsel for the
9 California State University’s (“CSU”) Board of Trustees, responded to the Carson Letter One (“CSU
10 Letter One”) and, once again, declared CSU-DH as the lead agency for the CSU-DH Master Plan
11 environmental review. Virjee’s August 21, 2017 CSU-DH Letter One is attached hereto as Exhibit
12 “D,” and incorporated herein by this reference.

13 22. On or about August 21, 2017, the Mayor sent a follow-up letter once again declaring
14 Carson as lead agency for the environmental review of the CSU-DH Master Plan (“Carson Letter
15 Two.”) The Mayor’s August 21, 2017 Carson Letter Two and CSU’s August 22, 2017 Letter of
16 Acknowledgment of Receipt (“CSU-DH Letter Two”) of that letter are attached hereto as Exhibit “E”
17 and Exhibit “F,” respectively, and incorporated herein by this reference.

18 23. On August 25, 2017, Carson’s City Attorney’s Office sent a response to the CSU-DH
19 Letter Two (“Carson Letter Three”). Carson Letter Three calls into question CSU-DH’s legal
20 authority to provide housing options open to the general public. The Carson’s City Attorney’s Office
21 August 25, 2017 Carson Letter Three is attached hereto as Exhibit “G,” and incorporated herein by
22 this reference.

23 24. On August 28, 2017, pursuant to Title 14 California Code of Regulations section
24 16014, Carson’s City Attorney’s Office submitted a request for lead agency designation and dispute
25 resolution to OPR (“Carson Lead Agency Designation Letter One”). Carson Lead Agency Designation
26 Letter One is attached hereto as Exhibit “H,” and incorporated herein by this reference.

27 25. On August 31, 2017, CSU-DH sent a Letter of Acknowledgment of Receipt of the
28 City’s Letter for Lead Agency Designation (“CSU-DH Lead Agency Designation Letter of



1 Acknowledgment of Receipt”) to the City and OPR. CSU Lead Agency Designation Letter of
2 Acknowledgment of Receipt is attached hereto as Exhibit “I,” and incorporated herein by this
3 reference.

4 26. On September 7, 2017 CSU-DH’s sent a response the City’s Letter for Lead Agency
5 Designation (“CSU-DH Lead Agency Designation Letter”) to the City and OPR. CSU-DH Lead
6 Agency Designation Letter is attached hereto as Exhibit “J,” and incorporated herein by this reference.

7 27. On September 11, 2017, Carson’s City Attorney’s Office submitted a rebuttal to CSU-
8 DH Lead Agency Designation Letter to OPR (“Carson Lead Agency Designation Letter Two”).
9 Carson Lead Agency Designation Letter Two is attached hereto as Exhibit “K,” and incorporated
10 herein by this reference.

11 **OPR’s Original Determination**

12 28. On or about October 2, 2017, OPR issued its original OPR Designation Letter to CSU
13 and the City. The original OPR Designation Letter determined CSU-DH “lead agency” for the
14 environmental review of the CSU-DH Master Plan.

15 29. In making such determination, the original OPR Designation Letter also made the
16 following unlawful findings related to the dispute between CSU-DH and the City:

17 a. “OPR finds that the California State University Board of Trustees is responsible
18 for approval of the Campus Master Plan and any construction and development activities occurring on
19 campus property.”

20 b. “OPR *recommends* that CSU-DH work with the City on development of the
21 Environmental Impact Report and implementation of the Campus Master Plan.”

22 **City’s Writ Action Against OPR**

23 30. On October 31, 2017, the City filed a Petition for Writ of Mandate (Code of Civil
24 Procedure §§ 1085 & 1094) against OPR to overturn the agency’s decision.

25 31. After a series of settlement discussions for that lawsuit, OPR rescinded the October 2,
26 2017 Lead Agency Designation Letter on December 21, 2017 (“OPR Rescission Letter”) and
27 requested supplemental submissions to address specified areas of inquiry from CSU and the City.
28 OPR Rescission Letter is attached hereto as Exhibit “L,” and incorporated herein by this reference.



1 **CSU and/or CSU-DH Unlawfully Continue to Engage in Lead Agency Activities**

2 32. On December 22, 2017, the City sent CSU and/or CSU-DH a cease and desist letter
3 which demands CSU cease all ongoing environmental review of the CSU-DH Master Plan pending
4 resolution of the Lead Agency dispute between the parties (“Cease and Desist Letter”). The City’s
5 Cease and Desist Letter is attached hereto as Exhibit “M,” and incorporated herein by this reference

6 33. On January 4, 2018, CSU and/or CSU-DH lawyers informed the City CSU and/or
7 CSU-DH would continue with its planning and environmental review of the administrative DEIR for
8 the CSU-DH Master Plan while awaiting a new Lead Agency determination from OPR (“CSU Refusal
9 Letter”). The Refusal Letter is attached hereto as Exhibit “N,” and incorporated herein by this
10 reference.

11 34. Given CSU’s and/or CSU-DH’s refusal to cease and desist from unlawfully engaging
12 in lead agency activities, this Court must issue a Preliminary and Permanent Injunction enjoining CSU
13 and/or CSU-DH, and each of their agents, officers, employees, and anyone acting on their behalf,
14 from engaging in (1) any and all activities related to undertaking environmental review of the
15 CSUDH-MP, including, and especially, circulating any Draft Environmental Impact Report, and (2)
16 the unlawful exercise of lead agency status for the CSUDH-MP.

17 **OPR’s Second Determination**

18 35. On or about January 26, 2018, OPR issued its OPR Designation Letter to CSU and
19 the City. The OPR Designation Letter determined CSU-DH “lead agency” for the environmental
20 review of the CSU-DH Master Plan.

21 36. In making such determination, the OPR Designation Letter also made the following
22 unlawful findings related to the dispute between CSU and/or CSU-DH and the City which are outside
23 OPR’s statutory authority:

24 a. “While both agencies generally have capacity to fulfill the requirements of
25 CEQA, as also reflected in the parties’ supplemental submissions, OPR finds that CSU has greater
26 capacity with respect to this particular Project, which addresses the entire CSU Dominguez Hills
27 campus.”

1 cease and desist from engaging in (1) any and all activities related to undertaking environmental
2 review of the CSUDH-MP, including, and especially, circulating any Draft Environmental Impact
3 Report, and (2) the unlawful exercise of lead agency status for the CSUDH-MP.

4 43. As a further consequence, this Court must issue its writ of mandate commanding OPR
5 to withdraw the OPR Designation Letter and to issue a new and different OPR Designation Letter
6 finding and determining that Plaintiff/Petitioner, City of Carson, shall be the “lead agency” for
7 purposes of the environmental review of the CSUDH-MP.

8 **SECOND CAUSE OF ACTION FOR**
9 **WRIT OF MANDATE AGAINST STATE OF CALIFORNIA**
10 **[Petition for Writ of Mandate; Code of Civil Procedure § 1094.5]**

11 44. Petitioner re-alleges and incorporates herein by this reference the allegations of
12 paragraphs 1 through 43 above.

13 56. Section 1094.5 of the California Code of Civil Procedure provides for issuance for a
14 writ of administrative mandate to enable this Court to review and correct final administrative
15 determination(s) made by the STATE of CALIFORNIA, acting by and through Director Alex, in
16 his official capacity as Director of OPR.

17 45. Under Section 1094.5(b), this Court has the authority to issue a writ to correct final
18 administrative determination(s) that constitute an abuse of discretion. The determination(s) made by
19 the STATE of CALIFORNIA, acting by and through Director Alex, in his official capacity as Director
20 of OPR, constitutes an abuse of discretion because the determination(s) is/are not supported by the
21 findings and/or the findings are not supported by the evidence.

22 46. The determination(s) made by the STATE of CALIFORNIA, acting by and through
23 Director Alex, in his official capacity as Director of OPR, constitute(s) an abuse of discretion in at
24 least the following respects, among others:

25 a. OPR’s reliance on evidence that CSU and/or CSU-DH has acted as Lead
26 Agency for past Campus Master Plan Updates in 2010 and 2005 without determining the legality of
27 such past actions. OPR may rely on such past practice only if OPR first finds and determines that (1)
28 these prior up-dates involved proposed developments involved activities that were not to be





1 undertaken exclusively for the educational purposes of CSU and/or CSU-DH, and (2) that such past
2 practice was otherwise lawful. OPR cannot rely on unlawful past practices of CSU and/or CSU-DH
3 as a basis for making its lead agency determination.

4 b. OPR’s finding, “CSU drafted the updated Master Plan and thus is in the best
5 position to analyze and, if necessary, mitigate the environmental impacts of the plan it drafted”
6 constitutes a manifest abuse of discretion. Director Alex’s finding lacks any substantial evidence that
7 allowing the same public agency that drafted the CSUDH-MP to conduct its own environmental
8 review of its own master plan makes CSU and/or CSU-DH shows “in the best position to analyze and,
9 if necessary, mitigate the environmental impacts of the plan it drafted.” CSU and/or CSU-DH have a
10 hopeless conflict of interest in engaging in the environmental review of the very plan it has already
11 approves.

12 47. The determination(s) made by the STATE of CALIFORNIA, acting by and through
13 Director Alex, in his official capacity as Director of OPR, is/are not supported by the findings or the
14 findings are not supported by the evidence in at least the following respects, among others:

15 a. OPR acknowledges that “both [parties] generally have capacity to fulfill the
16 requirements of CEQA . . .” but unlawfully concludes that “CSU has the greater capacity” relying
17 entirely on past practice. OPR failed and refused to follow 14 Cal. Code Regs §15051(b)(1)
18 particularly where OPR has acknowledged that both claimants to lead agency status have the required
19 “capacity to fulfill the requirements of CEQA.” In such cases, OPR was required to designate
20 Plaintiff/Petitioner as lead agency as a matter of law.

21 b. OPR failed and refused to acknowledge that Plaintiff/Petitioner has, at a
22 minimum, an equal stake with CSU and/or CSU-DH in every aspect of CSUDH-MP. In addition to
23 the CSUDH-MP’s certain impacts on traffic, utilities, community aesthetics, potential for visual
24 blight, community congestion, site massing an density, building articulation, and the assessing the
25 impacts of the CSUDH-MP on the overall character of the City, changes to CSUDH’ s campus fall
26 under and are specifically addressed in the City’s General Plan (with which the CSUDH-MP must be
27 consistent).

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1 c. OPR failed and refused to acknowledge that CSU-DH is located in the very
2 “heart” of the City of Carson. The CSUDH-MP will make dramatic changes to the CSU-DH campus
3 which will equally significantly impact the surrounding residential communities that are entirely
4 within the City of Carson; but the impacts will extend far beyond the immediate neighborhoods
5 around the campus for that matter and effect the entire City.

6 d. OPR found and concluded that “CSU will shoulder the primary responsibility
7 for approving and carrying out the Master Plan.” Such a determination is erroneous, as a matter of
8 law. *Regents of University of California v. City of Santa Monica* (1978) 77 Cal.App.3d 130; *Board of*
9 *Trustees v. City of Los Angeles* (1975) 49 Cal.App.3d 45.

10 48. The determination(s) made by the STATE of CALIFORNIA, acting by and through
11 Director Alex, in his official capacity as Director of OPR, constitute(s) a denial of
12 Petitioner’s/Plaintiff’s due process rights, and is a further abuse of discretion, because Director Alex
13 denied Plaintiff/Petitioner the right to an evidentiary hearing before issuing the OPR Determination
14 Letter.

15 49. Plaintiff/Petitioner has been denied a fair hearing before the STATE of CALIFORNIA,
16 acting by and through Director Alex, in his official capacity as Director of OPR, on the issue of which
17 public agency should be designated as the lead agency when CSU introduced into the record
18 inflammatory, defamatory, and highly prejudicial communications in a deliberate attempt to prejudice
19 and bias Director Alex and OPR against Plaintiff/Petitioner. The City is informed and believe, and on
20 that basis of information and belief allege, that on or about January 23, 2018, CSU and/or CSU-DH, or
21 both of them, sent to Director Alex inflammatory, defamatory, and highly prejudicial communications
22 in a deliberate attempt to prejudice and bias Director Alex and OPR against Plaintiff/Petitioner, and to
23 taint the lead agency determination process in favor of CSU. Because such highly prejudicial and
24 inflammatory communications have been shared with Director Alex and OPR, the same has tainted
25 the lead agency determination process resulting in a denial of the right of the City to a constitutional
26 fair hearing.

27 50. As a consequence, this Court must issue its writ of mandate commanding STATE of
28 CALIFORNIA, acting by and through Director Alex, in his official capacity as Director of OPR, to

1 withdraw the OPR Designation Letter, and for a new and different OPR official to hold an evidentiary
2 hearing free to the taint caused by CSU and/or CSU-DH, or both of them, and then to issue a new and
3 different OPR Designation Letter finding and determining that Plaintiff/Petitioner, City of Carson,
4 shall be “lead agency” for purposes of the environmental review of the CSUDH-MP pursuant to 14
5 Cal. Code Regs § 15051(b).

6 **THIRD CAUSE OF ACTION AGAINST STATE OF CALIFORNIA**

7 **[Declaratory Relief]**

8 51. Plaintiff/Petitioner re-alleges and incorporates herein by this reference the allegations
9 of paragraphs 1 through 50 above.

10 52. An actual controversy has arisen and exists between the City and STATE of
11 CALIFORNIA, acting by and through Director Alex, in his official capacity as Director of OPR,
12 because OPR has designated CSU as “lead agency” for the environmental review of the CSUDH-MP.
13 Petitioner/Plaintiff contends that the City of Carson, should act as “lead agency” for purposes of the
14 environmental review of the CSUDH-MP.

15 53. Petitioner/Plaintiff further contends the STATE of CALIFORNIA, acting by and
16 through Director Alex, in his official capacity as Director of OPR, denied Petitioner’s/Plaintiff of due
17 process, and the same is an abuse of discretion, because Director Alex denied Plaintiff/Petitioner the
18 right to an evidentiary hearing before issuing the OPR Determination Letter.

19 54. Petitioner/Plaintiff further contends that because CSU and/or CSU-DH, or both of
20 them, introduced into the record inflammatory, defamatory, and highly prejudicial communications in
21 a deliberate attempt to prejudice and bias Director Alex and OPR against Plaintiff/Petitioner, the same
22 constitutes a denial of the right of Petitioner/Plaintiff to a constitutional fair hearing.

23 55. Plaintiff/Petitioner desires a judicial declaration that the STATE of CALIFORNIA,
24 acting by and through Director Alex, in his official capacity as Director of OPR, has engaged in a
25 manifest abuse of discretion, and/or acted in violation of law, in making the determinations in the
26 OPR Designation Letter, that Plaintiff/Petitioner was unlawfully denied the right to a hearing before
27 issuing the OPR Determination Letter, and that Plaintiff/Petitioner has been denied the right to a
28 constitutional fair hearing.





1 withdraw the OPR Determination letter and thereafter conduct a new and different review of the lead
2 agency dispute before a new and different OPR official by purging the taint of inflammatory,
3 defamatory, and highly prejudicial communications submitted by CSU, thereby affording
4 Plaintiff/Petitioner a constitutional fair hearing before issuing its OPR Determination Letter.

5 For this Court to issue its peremptory writ of mandate commanding STATE of
6 CALIFORNIA, acting by and through a new and different OPR official, in his official capacity as an
7 official of OPR, to withdraw the OPR Designation Letter and to issue a new and different OPR
8 Designation Letter finding and determining the Plaintiff/Petitioner, City of Carson, shall be “lead
9 agency” for purposes of the environmental review of the CSUDH-MP.

10 For this Court to issue its peremptory writ of mandate commanding (1) CSU and/or
11 CSU-DH to cease and desist from any and all activities to undertake environmental review of the
12 CSUDH-MP, including, and especially, circulating any Draft Environmental Impact Report, and (2)
13 CSU cease and desist from the exercise of lead agency status for the CSUDH-MP.

14 That CSU and/or CSU-DH, their agents, officers, employees, and anyone acting on
15 their behalf, be permanently enjoined from (1) any and all activities related to undertaking
16 environmental review of the CSUDH-MP, including, and especially, circulating any Draft
17 Environmental Impact Report, and (2) the unlawful exercise of lead agency status for the CSUDH-
18 MP.

19 2. On the Second Cause of Action:

20 For this Court to issue its peremptory writ of mandate commanding STATE of
21 CALIFORNIA, acting by and through Director Alex, in his official capacity as Director of OPR, to
22 withdraw the OPR Determination letter, and hold an evidentiary hearing before a new and different
23 OPR official and before issuing its OPR Determination Letter.

24 For this Court to issue its peremptory writ of mandate commanding the STATE of
25 CALIFORNIA, acting by and through Director Alex, in his official capacity as Director of OPR, to
26 withdraw the OPR Determination letter and thereafter conduct a new and different review of the lead
27 agency dispute before a new and different OPR official by purging the taint of inflammatory,
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1 defamatory, and highly prejudicial communications submitted by CSU, thereby affording
2 Plaintiff/Petitioner a constitutional fair hearing before issuing its OPR Determination Letter.

3 For this Court to issue its peremptory writ of mandate commanding the STATE of
4 CALIFORNIA, acting by and through a new and different OPR official, in his official capacity as an
5 official of OPR, to withdraw the OPR Designation Letter and to issue a new and different OPR
6 Designation Letter finding and determining the Plaintiff/Petitioner, City of Carson, shall be “lead
7 agency” for purposes of the environmental review of the CSUDH-MP.

8 3. On the Third Cause of Action:

9 For a declaration from this Court that Plaintiff/Petitioner, City of Carson, shall be “lead
10 agency” for purposes of the environmental review of the CSUDH-MP.

11 4. On the Fourth Cause of Action

12 For a declaration from this Court that Plaintiff/Petitioner has been denied due process
13 by the STATE of CALIFORNIA, acting by and through Director Alex, in his official capacity as
14 Director of OPR, for failing to hold a hearing before issuing its OPR Determination Letter.

15 For a declaration from this Court that Plaintiff/Petitioner has been denied a
16 constitutional fair hearing by virtue of the actions of CSU and/or CSU-DH as allege hereinabove.

17 For a declaration from this Court that Plaintiff/Petitioner, City of Carson, shall be “lead
18 agency” for purposes of the environmental review of the CSUDH-MP.

19 5. For its costs of suit.

20 6. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 or other
21 applicable law.

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7. For such order and further relief as the Court may deem just and proper.

DATED: January ____, 2018

ALESHIRE & WYNDER, LLP
SUNNY K. SOLTANI
WILLIAM W. WYNDER
KABIR S. CHOPRA

By: _____
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