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10 Attorneys for Petitioners  
11 LEAGUE TO SAVE LAKE TAHOE,  
MOUNTAIN AREA PRESERVATION  
12 FOUNDATION, AND SIERRA WATCH

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF PLACER**

15 LEAGUE TO SAVE LAKE TAHOE,  
MOUNTAIN AREA PRESERVATION  
16 FOUNDATION, and SIERRA WATCH,

17 Petitioners,

18 v.

19 PLACER COUNTY; PLACER COUNTY  
BOARD OF SUPERVISORS; and DOES  
20 1-20,

21 Respondents.

22 SIERRA PACIFIC INDUSTRIES;  
23 MOUNTAINSIDE PARTNERS LLC;  
MVWP DEVELOPMENT LLC; and  
24 DOES 21-40,

25 Real Parties in Interest.  
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**FILED**  
Superior Court of California  
County of Placer

JUN 30 2022

Jake Chatters  
Executive Officer & Clerk  
By: D. Lucatuorto, Deputy

Case No. SCV-0038666  
[Related to Case No. SCV-0038578]

~~PROPOSED~~ JUDGMENT  
FOLLOWING APPEAL

Filed Concurrently with [PROPOSED]  
WRIT OF MANDATE

1 On October 11, 2016, the Board of Supervisors of Placer County<sup>1</sup> approved the Martis  
2 Valley West Parcel Specific Plan and associated resolutions, ordinances, and planning approvals  
3 (collectively, the “Project”). The County also certified an environmental impact report (“EIR”)  
4 for the Project as compliant with the California Environmental Quality Act (“CEQA”) and  
5 adopted related CEQA documents. On November 10, 2016, Petitioners League to Save Lake  
6 Tahoe, Mountain Area Preservation Foundation, and Sierra Watch (collectively, “Petitioners”)  
7 filed a Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief,  
8 challenging the County’s approvals for violations of CEQA and the California Timberland  
9 Productivity Act.

10 This Court (Honorable Judge Jones) held a writ hearing for this matter on December 14,  
11 2017, and issued its Ruling granting the petition in part on March 12, 2018. On June 6, 2018, this  
12 Court entered judgment for Petitioners and against the County and Real Parties in Interest Sierra  
13 Pacific Industries, Mountainside Partners, LLC, and MVWP Development, LLC (collectively,  
14 “Real Parties”) with respect to Petitioners’ CEQA claim pertaining to emergency evacuation  
15 procedures for wildfires and other emergencies. The judgment denied Petitioners’ remaining  
16 claims. Also on June 6, 2018, the Clerk of the Superior Court issued a Peremptory Writ of Mandate  
17 (“June 6, 2018 Writ of Mandate”) directing the County to take actions necessary to comply with  
18 CEQA.

19 On May 10, 2018, Petitioners timely filed an appeal with respect to the denied claims, and  
20 on May 25, 2018 and May 31, 2018, Real Parties and the County respectively filed cross-appeals  
21 with respect to the emergency evacuation issue.

22 On February 14, 2022, the Court of Appeal issued its decision on the appeal and cross-  
23 appeal, which is incorporated herein by reference, reversing this Court’s judgment in part and  
24 affirming in part. *League to Save Lake Tahoe et al. v. Placer County, et al.* (Court of Appeal Case  
25 No. C087102, “Opinion”).<sup>2</sup> The Court’s opinion is published as *League to Save Lake Tahoe et al.*

26  
27 <sup>1</sup> Placer County and its Board of Supervisors are referred to collectively herein as the “County.”  
28 <sup>2</sup> The Court of Appeal’s opinion also addressed a related case filed by the California Clean  
Energy Committee (Placer County Superior Court Case No. SCV-38578; Court of Appeal Case  
No. C087117), which is the subject of a separate judgment in this Court.

1 *v. Placer County, et al.* (2022) 75 Cal.App.5th 63 (“*League*”). As to this action, the Court of  
2 Appeal’s disposition states: “In C087102, the judgment’s conclusions that the EIR’s analysis of  
3 the project’s impacts on Lake Tahoe’s water quality and that greenhouse gas emission mitigation  
4 measure 12-2 comply with CEQA, and that substantial evidence does not support the EIR’s  
5 analysis of the project’s impact on evacuation plans are reversed. The judgment is affirmed in all  
6 other respects.” *League*, 75 Cal.App.5th at 168. On May 20, 2022, the Court of Appeal issued the  
7 remittitur, indicating that its Opinion has become final.

8 IT IS THEREFORE ORDERED, DECREED AND ADJUDGED that:

9 For the reasons set forth in the Opinion:

10 (1) The Court’s June 6, 2018 Judgment and the June 6, 2018 Writ of Mandate are hereby  
11 vacated and set aside.

12 (2) The County committed a prejudicial abuse of discretion by failing to comply CEQA  
13 when it approved the Project and certified the EIR. Judgment in this case is therefore entered in  
14 favor of Petitioners.

15 (3) A new Peremptory Writ of Mandate directed to the County shall issue under seal  
16 of this Court ordering all of the following:

17 (a) The County shall vacate and set aside its (i) approvals of the Project,  
18 including the Specific Plan, the Development Agreement, the Large-Lot Vesting Tentative  
19 Subdivision Map, amendments to the Martis Valley Community Plan, zoning change,  
20 development standards and design guidelines, and related resolutions and ordinances  
21 (collectively, “Project Approvals”); (ii) certification of the EIR; and (iii) adoption of related  
22 findings of fact, statement of overriding considerations, and mitigation monitoring reporting  
23 program.

24 (b) The County shall not readopt the Project Approvals or certify a revised EIR  
25 unless and until the County complies with CEQA by correcting the deficiencies in the EIR  
26 found by the Court of Appeal.

27 (c) Pursuant to Public Resources Code section 21168.9(a)(2), because specific  
28 Project activity or activities could prejudice the consideration or implementation of particular

1 mitigation measures for, or alternatives to, the Project, until this Court determines that the  
2 County has taken the actions specified herein to bring the Project Approvals into compliance  
3 with CEQA, the Court mandates that the County, Real Parties, and their respective agents  
4 suspend all project approvals and activities that are based upon, or related to, the Project  
5 Approvals and that could result in any change or alteration to the physical environment.

6 (d) The County shall file an initial return to the writ no later than 120 days after  
7 service of the writ, setting forth what it has done to comply with paragraph 1 of the writ. The  
8 County shall file a supplemental return to the writ no later than 270 days after service of the  
9 writ, setting forth what it has done to comply with paragraph 2 of the writ. The County shall  
10 thereafter file supplemental returns to the writ if there are any modifications or readoptions of  
11 the Project Approvals, or as otherwise directed by this Court, until it has fully complied with  
12 paragraph 2 of the writ.

13 (3) Pursuant to Public Resources Code section 21168.9(c), nothing in this Judgment  
14 or the writ issued hereunder may be construed as an order that the County exercise its lawful  
15 discretion in a particular way.

16 (4) Until such time as (a) this Court has determined that the County has taken the  
17 actions specified herein to bring the Project Approvals into compliance with CEQA, and (b) this  
18 Court has discharged the writ, the County, Real Parties, and their respective agents, employees,  
19 and persons acting in concert with them are enjoined from all activities that are based upon, or  
20 related to, the Project Approvals and that could result in any change or alteration to the physical  
21 environment.

22 (5) Petitioners are awarded their costs of suit in the trial court. This Court reserves  
23 jurisdiction to consider an award of attorneys' fees pursuant to any properly and timely filed  
24 motion by Petitioners.

25 (6) Pursuant to Public Resources Code section 21168.9(b) and Code of Civil  
26 Procedure section 1097, this Court shall retain jurisdiction over the County's proceedings by  
27 way of the return to the peremptory writ of mandate until the Court has determined that it has  
28 complied with this Judgment and the writ.

1 **IT IS SO ORDERED.**

2 DATED: \_\_\_\_\_, 2022

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\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

6 **APPROVED AS TO FORM:**

7 DATED: June 27, 2022

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OFFICE OF COUNTY COUNSEL

By:   
CLAYTON T. COOK

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Attorneys for Respondents  
PLACER COUNTY AND PLACER COUNTY  
BOARD OF SUPERVISORS

12  
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14 DATED: June \_\_\_\_, 2022

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REMY MOOSE MANLEY, LLP

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By: \_\_\_\_\_  
HOWARD F. WILKINS III

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Attorneys for Real Parties in Interest  
SIERRA PACIFIC INDUSTRIES;  
MOUNTAINSIDE PARTNERS LLC; MVWP  
DEVELOPMENT LLC

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1 IT IS SO ORDERED.

2 DATED: JUNE 30, 2022

  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT  
Michael Jones

6 APPROVED AS TO FORM:

7 DATED: June \_\_, 2022

OFFICE OF COUNTY COUNSEL

By: \_\_\_\_\_  
CLAYTON T. COOK

Attorneys for Respondents  
PLACER COUNTY AND PLACER COUNTY  
BOARD OF SUPERVISORS

14 DATED: June 27, 2022

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**PROOF OF SERVICE**

*League to Save Lake Tahoe et al. v. County of Placer et al.*  
Case No. S-CV-0038666  
Placer County Superior Court

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is 396 Hayes Street, San Francisco, California 94102.

On June 29, 2022, I served true copies of the following document(s) described as:

**[PROPOSED] JUDGMENT FOLLOWING APPEAL**

on the parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address Larkin@smwlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 29, 2022, at San Francisco, California.

*Patricia Larkin*

\_\_\_\_\_  
Patricia Larkin

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**SERVICE LIST**

*League to Save Lake Tahoe et al. v. County of Placer et al.*  
Case No. S-CV-0038666  
Placer County Superior Court

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**COURTESY COPY**

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