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10  
11 Attorney for Petitioner,  
12 The Sierra Club

13  
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF ORANGE**

16 THE SIERRA CLUB,  
17  
18 Petitioner,

19 vs.

20 COUNTY OF ORANGE; DOES 1 to 10,  
21  
22 Respondents

Case No.: 30-2009-00121878- CU-WM-CJC

Assigned to: Hon. James J. Di Cesare  
Dept. 18

**EX PARTE APPLICATION FOR ORDER  
CONTINUING SETTLEMENT CONFERENCE,  
CONTINUING HEARING ON MOTION FOR  
WRIT OF MANDATE, AND ALLOWING  
ADDITIONAL BRIEFING**

Petition filed: April 21, 2009

23  
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25  
26 TO RESPONDENTS AND THEIR ATTORNEYS OF RECORD:

27 PLEASE TAKE NOTICE that on December 14, 2009, at 1:30 p.m., or as soon thereafter as the  
28 matter may be heard, in Department 18 of the above entitled Court, located at 700 Civic Center  
29 Drive West, Santa Ana, California, 90702, The Sierra Club will and hereby does request this  
30 Court to:

1. Continue the Settlement Conference in this matter to March 4, 2010;

- 1 2. Continue the Hearing on the Motion for Writ of Mandate to March 4, 2010; and to
- 2 3. Allow additional briefing on issues raised by the Court's tentative ruling in this
- 3 matter per the following schedule:
- 4 a. Petitioner's brief to be filed January 26, 2010
- 5 b. Respondent's opposition brief to be filed February 9, 2010
- 6 c. Petitioner's reply brief to be filed February 23, 2010.

7  
8 This ex parte application is made on the following grounds:


- 9 1. The Court's tentative ruling, issued November 4, 2009, has focused the issues to be
- 10 resolved in this case.
- 11 2. Both parties have conducted additional discovery since the last hearing, which was
- 12 held on November 5, 2009. The results of that discovery will shed additional light on
- 13 the issues before the Court.
- 14 3. Another round of briefing would allow the Court to base its decision on a full
- 15 evidentiary record.

16  
17 This ex parte application is based upon the Points and Authorities in Support of the Ex Parte  
18 Application, on the Declaration of Theresa Labriola, and any oral and documentary evidence that  
19 may be presented at the hearing on the Application.

20 Notice of the Sierra Club's intention to proceed ex parte on December 14, 2009 has been  
21 given to opposing counsel: Mark Servino, Deputy County Counsel, 333 West Santa Ana  
22 Boulevard, Suite 407, Santa Ana, California 92702-1379, (714) 834-4760.

23  
24  
25 Dated: December 14, 2009

Venskus & Associates, P.C.

26  
27  
28 By   
29 Theresa Labriola  
30 Attorney for Petitioner, the Sierra Club

1 **Points and Authorities**

2 **Significant Issues Have Not Been Argued**

3  
4 This case involves an important statewide issue of public interest: Is GIS parcel data  
5 maintained by California counties subject to disclosure under the Public Records Act? This issue  
6 was partially resolved, in the affirmative, in *County of Santa Clara v. Superior Court* (2009), 170  
7 Cal.App.4th 1301. However, Respondent County of Orange has raised a legal argument that was  
8 not resolved in the Court of Appeal’s opinion in that case. County of Orange argues that their OC  
9 Landbase – which is their name for their GIS parcel data – is computer software subject to  
10 exemption from disclosure under Government Code section 6254.9. This Court has endorsed that  
11 argument in its tentative ruling of November 4, 2009.

12 Since this was just one of several issues discussed in the initial round of briefing, neither  
13 party had an opportunity to fully argue it. In addition, the Court’s November 4, 2009 tentative  
14 ruling raises some additional issues that have not been argued by either party, including the  
15 following:

- 16 • The tentative ruling states “the Sierra Club fails to recognize that its request for the  
17 OC Land base in GIS format cannot be accomplished without execution of the  
18 computer mapping system software which the County has a statutory right to license  
19 under GC 6254.9.” Does the computer-software exemption under GC 6254.9 extend  
20 to data when the only way County of Orange can generate a copy of the data is by  
21 executing its computer software?
- 22 • The tentative ruling takes note of the fact that “all of the revenue from its OC Land  
23 base in GIS format licensing accounts for only 26% of the costs to keep the OC Land  
24 base in GIS Format up to date.” The *Santa Clara* court held that the public interest in  
25 disclosure of GIS parcel data outweighs the public interest in non-disclosure, even  
26 when the economic effect of low-cost disclosure on County of Santa Clara was taken  
27 into account. 170 Cal.App.4th at 1323-30. The court’s analysis was done with respect  
28 to the PRA’s “catch-all” provision in Government Code section 6255. Is the  
29 economic effect of the County of Orange losing its OC Landbase revenue legally  
30 relevant to the instant case, other than through the catch-all provision?

1 **The Record Should be More Complete**

2 Another round of briefing would not only provide an opportunity for a full legal argument on  
3 these issues, but would also allow the creation of a more robust factual and evidentiary record  
4 based on the substantial amount of discovery conducted by both parties since the November 5,  
5 2009 hearing. The parties made the following discovery requests after that hearing:

- 6 • Petitioner’s First Set of Special Interrogatories, Set One, served November 6, 2009
- 7 • Petitioner’s First Set of Requests for Production of Documents, served November 6, 2009
- 8 • Respondent’s First Set of Requests for Admissions, served November 13, 2009
- 9 • Respondent’s First Set of Form Interrogatories, served November 13, 2009
- 10 • Petitioner’s Second Set of Requests for Admissions, served November 17, 2009
- 11 • Petitioner’s Second Set of Form Interrogatories, served November 17, 2009
- 12 • Petitioner’s Second Set of Demands for Production of Documents, served December 10,  
13 2009. Declaration of Theresa Labriola (“Labriola Dec.”) ¶ 6.

14 On December 10, 2009, County of Orange produced approximately 2,000 pages of  
15 documents in response to Sierra Club’s inspection demands and interrogatories. These  
16 documents include:

- 17 • Public records that County of Orange has offered to produce as an alternative to the  
18 OC Landbase, including survey maps, plat maps, etc.
- 19 • Documentation provided to OC Landbase licensees
- 20 • Documentation of internal procedures and software that County of Orange uses to  
21 maintain the OC Landbase data. Labriola Dec. ¶ 7.

22 The Sierra Club’s expert witnesses are analyzing these documents, and will produce  
23 declarations shedding light on the relationship between the data that County of Orange has  
24 offered to produce and the OC Landbase, and on the key issue of whether the OC Landbase  
25 contains software or is simply data. These declarations, and the documents on which they are  
26 based, will allow the Court to base its ruling on the motion for writ of mandate on a much more  
27 robust and well-explained evidentiary record.

28 On December 10, 2009, the Sierra Club responded to County of Orange’s requests for  
29 admissions and form interrogatories, and produced several thousand pages of documentation in  
30 response to County of Orange’s discovery requests. County of Orange may wish to make some  
use of this discovery as well. Labriola Dec. ¶ 8.

1 Discovery is now complete, except for the Sierra Club's final demand for production of  
2 documents, which is still outstanding. The County of Orange's response is due on January 11,  
3 2010.

4 Neither party would be prejudiced by the delay caused by another round of briefing. The  
5 Sierra Club is seeking an order continuing the hearing on the Motion for Writ of Mandate,  
6 because it wants to make sure the Court has full arguments and evidence before it when making  
7 the decision. County of Orange will not be prejudiced by the delay, since that delay just extends  
8 the status quo, which is what Respondent is seeking as a resolution of the case.

9  
10 **Petitioner's Counsel Attempted to Meet and Confer Prior to the Hearing on the Instant Ex**  
11 **Parte Application**

12 Petitioner's Counsel Labriola spoke directly via teleconference to Respondent's Counsel  
13 Servino on December 10, 2009, and gave notice via facsimile on December 11, 2009 that she  
14 will appear before this Court on December 14, 2009 at 1:30 p.m., and apply for an Order  
15 continuing the settlement conference and the hearing on the Motion for Writ of Mandate and  
16 allowing additional briefing. Labriola Dec. at ¶. 2 and 3.

17  
18 **Conclusion**

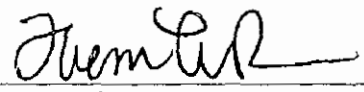
19 At this writing, the majority of California counties provide their GIS parcel data to the  
20 public for the cost of making the physical copy. However, several other counties, including San  
21 Luis Obispo, Imperial, Madera, Merced, Sierra and Alpine Counties, do not. Those counties will  
22 be carefully watching the outcome of this case, which could strongly influence whether they  
23 change their policies so as to provide their GIS parcel data for the cost of reproduction, as  
24 Nevada County has done following the *Santa Clara* case.

25 The Court should order another round of briefing in order to take advantage of the  
26 opportunity to obtain full legal argument on newly presented issues, and to allow the parties to  
27 present expert-witness declarations based on the new discovery, in support of those arguments. If  
28 the court allows another round of briefing, the parties' refined legal positions and factual  
29 understanding may lead to more settlement opportunities, as well as providing material for  
30 further oral arguments before this Court. Therefore the settlement conference and the hearing on  
the motion for writ of mandate should be continued until after the briefing is complete.

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Dated: December 11, 2009

Venskus & Associates, P.C.

By   
Theresa Labriola  
Attorney for Petitioner, the Sierra Club

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**Declaration of Theresa Labriola**

I, Theresa Labriola, declare as follows:

1. I am an attorney of record for Petitioner in the above-entitled action.

2. On Thursday, December 10, 2009, at approximately 4:30 p.m., I spoke with Mark Servino, counsel for the Respondents in this case, to request the County join our application to continue the settlement conference and hearing on Petitioners Motion for Writ of Mandate and to allow for additional briefing. Counsel informed me that the Responded would oppose such motion.

3. On Friday, December 11, 2009 at approximately 9:30 a.m., I provided Mark Servino, counsel for the Respondent, with notice of our Ex Parte Motion via fax and voicemail. I informed him that on Monday, December 14, 2009 at 1:30 p.m., I intended to apply ex parte for an Order continuing the settlement conference scheduled for December 18, 2009, continuing the hearing on the motion for writ of mandate scheduled for December 18, 2009, and requesting additional briefing from both parties. I further informed him the hearing would take place in Department 18, the regular courtroom and judge for all proceedings in this matter. Mr. Servino agreed to appear.

4. I believe that irreparable harm will be done to both parties in this case unless they have a further opportunity to argue issues that have become the Court's focus for the resolution of the case, and which were not previously fully briefed due to space limitations and the variety of possible legal theories on which the case could be resolved.

5. I believe that irreparable harm will be done to both parties in this case unless they are given an opportunity to brief legal issues raised for the first time in the Court's tentative ruling of November 4, 2009.

6. The parties made the following discovery requests:

- Petitioner's First Set of Special Interrogatories, Set One, served November 6, 2009
- Petitioner's First Set of Requests for Production of Documents, served November 6, 2009
- Respondent's First Set of Requests for Admissions, served November 13, 2009
- Respondent's First Set of Form Interrogatories, served November 13, 2009

- 1 • Petitioner's Second Set of Requests for Admissions, served November 17, 2009
- 2 • Petitioner's Second Set of Form Interrogatories, served November 17, 2009
- 3 • Petitioner's Second Set of Demands for Production of Documents, served December 10,
- 4 2009.

5 7. On December 10, 2009, County of Orange produced approximately 2,000 pages of  
6 documents in response to Sierra Club's inspection demands and interrogatories. These  
7 documents include:

- 9 • Public records that County of Orange has offered to produce as an alternative to the OC  
10 Landbase, including survey maps, plat maps, etc.
- 11 • Documentation provided to OC Landbase licensees
- 12 • Documentation of internal procedures and software that County of Orange uses to  
13 maintain the OC Landbase data.

14 8. On December 10, 2009, the Sierra Club responded to County of Orange's requests for  
15 admissions and form interrogatories, and produced several thousand pages of documentation in  
16 response to County of Orange's discovery requests. County of Orange may wish to make some  
17 use of this discovery as well.

18 9. Discovery is now complete, except for the Sierra Club's final demand for production of  
19 documents, which is still outstanding. The County of Orange's response is due on January 11,  
20 2010.

21 10. My client does not have the resources to properly analyze the approximately two  
22 thousand pages of discovery responses it received on December 10, 2009 in advance of the  
23 scheduled December 18, 2009 hearing.


24 11. My client, the Sierra Club, will not be prejudiced by the delay that will result from  
25 another round of briefing.

26 12. The issues being decided in this case are significant public-interest issues with statewide  
27 importance. The decision in this case will have important effects outside Orange County.  
28  
29  
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1 13. Currently, the majority of California counties provide their GIS parcel data to the public  
2 for the cost of making the physical copy. However, several other counties, including San Luis  
3 Obispo, Imperial, Madera, Merced, Sierra and Alpine Counties, do not.  
4

5  
6 I declare under penalty of perjury under the laws of the State of California that the foregoing  
7 is true and correct. Executed on December 11, 2009, at Los Angeles, California.

8  
9 Dated: December 11, 2009

10  
11   
12 \_\_\_\_\_  
Theresa Labriola

1 PROOF OF SERVICE

2 I, Tamara Hoflejzer, hereby declare under penalty of perjury under the laws of the State of  
3 California that I am over the age of eighteen, I am not a party to the instant case and that my business  
4 address is 1055 Wilshire Boulevard, Suite 1660, Los Angeles, CA 90017. On December 11, 2009, I  
5 served the following documents:

6 **EX PARTE APPLICATION FOR ORDER CONTINUING SETTLEMENT CONFERENCE,  
7 CONTINUING HEARING ON MOTION FOR WRIT OF MANDATE, AND ALLOWING  
8 ADDITIONAL BRIEFING**

8 **[PROPOSED] ORDER CONTINUING SETTLEMENT CONFERENCE, CONTINUING  
9 HEARING ON MOTION FOR WRIT OF MANDATE, AND REQUESTING ADDITIONAL  
10 BRIEFING**

10   X   by facsimile: I telecopied a copy of said document/s to the addressees at the following number as  
11 indicated further below,   X   by U.S. Mail: by placing a copy of the said document/s in a sealed  
12 envelope to the addressees at the following address as indicated further below, with the postage thereof  
13 fully prepaid the same day on which the correspondence was placed for collection and mailing, in a U.S.  
14 Postal Service box at 1055 Wilshire Boulevard, Suite 1660 Los Angeles, CA 90017,        by US courier  
15 (FedEx): by placing a copy of said document/s in a sealed package to the addressees as indicated further  
16 below, with all delivery charges thereof fully paid the same day on which the correspondence was placed  
17 for collection and delivered,        by electronic mail: I e-mailed a copy of said document/s to the  
18 addressees at the following e-mail address as indicated further below, or        by hand-delivery: of said  
19 document/s to the addressees as indicated further below.

20  
21 **Nicholas S. Chrisos, County Counsel**  
22 **Mark D. Servino, Deputy**  
23 **Rebecca S. Leeds, Deputy**  
24 **333 West Santa Ana Boulevard, Suite 407**  
25 **P.O. Box 1379**  
26 **Santa Ana, CA 92702**  
27 **Facsimile: (714) 834-2359**  
28

1 EXECUTED THIS 11<sup>th</sup> Day of December, 2009  
2 in the County of Los Angeles, State of California.

*Hoflejer*

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TAMARA HOFLEJZER

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1 SABRINA D. VENSKUS (SBN 219153)  
2 THERESA A. LABRIOLA (SBN 225901)  
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10 Attorney for Petitioner,  
11 The Sierra Club

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **FOR THE COUNTY OF ORANGE**

14 THE SIERRA CLUB,  
15 Petitioner,  
16 vs.  
17 COUNTY OF ORANGE; DOES 1 to 10,  
18 Respondents

Case No.: 30-2009-00121878- CU-WM-CJC

Assigned to: Hon. James J. Di Cesare  
Dept. 18

**[PROPOSED] ORDER CONTINUING  
SETTLEMENT CONFERENCE,  
CONTINUING HEARING ON MOTION FOR  
WRIT OF MANDATE, AND REQUESTING  
ADDITIONAL BRIEFING**

Petition filed: April 21, 2009

26 The motion of Petitioner, the Sierra Club for an order continuing the settlement conference,  
27 continuing the hearing on the motion for writ of mandate, and requesting additional briefing  
28 came on for hearing in Department 18 of this Court on December 14, 2009. Theresa Labriola and  
29 Dean Wallraff appeared on behalf of Petitioner, the Sierra Club. Mark Servino appeared on  
30 behalf of Respondent, the County of Orange.

1 Having read the motion, the memoranda, and the declarations filed on behalf of the  
2 parties, and having heard argument of counsel, good cause appearing therefore,  
3

4 **IT IS ORDERED** that Petitioner the Sierra Club's motion is granted, and that:

- 5 1. the Settlement Conference in this matter is continued to March 4, 2010;
- 6 2. the Hearing on the Motion for Writ of Mandate is continued to March 4, 2010; and
- 7 3. the Court requests additional briefing from the parties on issues raised by the Court's  
8 tentative ruling in this matter per the following schedule:
  - 9 a. Petitioner's brief to be filed January 26, 2010
  - 10 b. Respondent's opposition brief to be filed February 9, 2010
  - 11 c. Petitioner's reply brief to be filed February 23, 2010.

12  
13 Date: \_\_\_\_\_

14 James J. Di Cesare  
15 Judge of the Superior Court  
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1 NICHOLAS S. CHRISOS, COUNTY COUNSEL  
2 MARK D. SERVINO, DEPUTY – State Bar No. 186941  
3 333 West Santa Ana Boulevard, Suite 407  
4 Post Office Box 1379  
5 Santa Ana, California 92702-1379  
6 Telephone: (714) 834-4760  
7 Facsimile: (714) 834-2359

8 Attorneys for Respondent County of Orange

9 *Exempt From Filing Fees Pursuant to Gov't Code § 6103*

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

DEC 14 2009

ALAN CARLSON, Clerk of the Court

BY: L. SCHWARY DEPUTY

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

THE SIERRA CLUB,

Petitioner,

v.

COUNTY OF ORANGE; and DOES 1  
through 10,

Respondents.

) Case No. No. 30-2009-00121878

) ASSIGNED FOR ALL PURPOSES TO:  
) JAMES J. DI CESARE  
) DEPARTMENT C18

) **RESPONDENT COUNTY OF ORANGE'S  
) OPPOSITION TO PETITIONER'S EX  
) PARTE APPLICATION TO CONTINUE  
) HEARING ON MOTION FOR ISSUANCE  
) OF WRIT OF MANDATE; DECLARATION  
) OF MARK SERVINO IN SUPPORT  
) THEREOF**

) Hearing Date: December 14, 2009  
) Time: 1:30 p.m.  
) Dept: C18

) Petition Filed: April 21, 2009

COPY

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

1 **I. INTRODUCTION**

2 “Mulligan: a free shot sometimes given a golfer in informal play when the previous shot was  
3 poorly played.” Merriam Webster Online.

4 Petitioner fails to demonstrate the good cause required by Rule 3.1332 of the California Rule of  
5 Court for a *second* continuance of the hearing on the merits of its Petition for Writ of Mandate *after* the  
6 Court issued a tentative ruling *denying* it. Petitioner’s declaration also fails to establish the irreparable  
7 harm that justifies hearing the Application on an *ex parte* basis. (Cal. Rules of Court, rule 3.1202.)  
8 Instead, Petitioner’s argument; that the Court’s ruling reveals additional areas of legal argument and  
9 discovery that it would like to address, conclusively establishes the *lack* of good cause to grant  
10 Petitioner a “mulligan” in the middle of the hearing on the merits.

11 Petitioner seeks relief from its own tactical decisions in litigation. Petitioner proposed and  
12 stipulated to the briefing schedule and hearing date that the parties and the Court are operating under.  
13 Under this schedule, Petitioner enjoyed *over five months* to conduct discovery and prepare its opening  
14 brief. In contrast, the County only had the statutory minimum of *nine court days* to prepare its  
15 Opposition. The County’s arguments were based on Government Code section 6254.9, which was  
16 prominently featured in: (1) the County’s *pre-lawsuit* responses to the Petitioner’s Public Records Act  
17 requests; (2) the County’s third affirmative defense in its Answer; and (3) the entirety of the County’s  
18 Opposition. Petitioner itself anticipated the County’s reliance on Section 6254.9 in its opening brief,  
19 and subsequently addressed Section 6254.9 in its reply brief.

20 Therefore, the entire premise of Petitioner’s Application; that “neither party had an opportunity  
21 to argue [Section 6254.9],” is untrue. The parties argued Section 6254.9 extensively, and the Court  
22 issued a tentative ruling that (not surprisingly) addressed Section 6254.9. These facts fail to establish  
23 good cause for a do-over with more discovery, briefing, and a three month delay. Indeed, Petitioner’s  
24 admission that its reliance on *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4<sup>th</sup> 1301 was  
25 misplaced underscores the Petition’s lack of merit and the present Application’s lack of good cause.  
26 Since this is a Public Records Act case, the threat of an attorneys’ fees award means that the County is  
27 severely prejudiced by any further delay. The Application should be denied accordingly.

28

1 **II. FACTS**

2 **A. Petitioner Had Ample Opportunity to Conduct Discovery and It Proposed and**  
3 **Stipulated To The Current Briefing Schedule and Hearing Date**

4 Petitioner filed its Petition under Public Records Act on April 21, 2009 in which it sought to  
5 compel the production of the County's Landbase, which the Petitioner expressly admits consists of GIS  
6 parcel data. (Petition ¶ 2, 14.) The County filed its Answer on May 20, 2009. In its Answer, the  
7 County specifically asserted as its third affirmative defense that its Landbase was exempt from  
8 disclosure as "'computer software' within the meaning of Section 6254.9" of the Government Code.  
9 (Answer, p. 5, lns. 20-24.)

10 On June 16, 2009, Petitioner served form interrogatories and requests for admission on the  
11 County. (Servino Decl. ¶ 3.) On July 13, 2009, the County's attorney sent Petitioner's counsel an e-  
12 mail **asking what Petitioner proposed with respect to a briefing schedule and hearing date.** (*Id.* ¶  
13 4, Ex. B.) Petitioner's counsel did not respond to this inquiry, nor did it serve any additional discovery,  
14 for several months. (*Id.* ¶ 4.)

15 On October 1, 2009, over two months after the County inquired about a briefing schedule and  
16 hearing date, Petitioner contacted the County's attorney and proposed such a schedule. (*Id.* ¶ 5, Ex. C.)  
17 Under the proposed schedule, Petitioner had from April 21, 2009 to October 9, 2009 (over five months)  
18 to work on its opening brief, while the County only had the statutory minimum nine court days to  
19 prepare its Opposition. (*Ibid.*) The parties signed the Stipulation agreeing to the dates **proposed by**  
20 **Petitioner.** (*Ibid.*)

21 Under the Stipulation, the parties also agreed to ask the Court to take the Case Management  
22 Conference, which was scheduled for October 30, 2009, off-calendar, because "[t]he parties agreed that  
23 the merits of this action could be resolved through a noticed motion procedure, and that if the parties  
24 stipulated to a briefing schedule and hearing date, a separate Case Management Conference hearing  
25 would not be necessary." (*Ibid.*) The parties stipulated that **"the date of the hearing on the merits of**  
26 **the Sierra Club's writ petition shall be on Thursday, November 5, 2009 ..."** (*Ibid.*)

27 The parties filed papers in compliance with the Stipulation with Petitioner having the benefit of  
28 filing both an opening brief, as well as a reply brief in response to the County's Opposition. (*Id.* ¶ 5, Ex.

1 C.) Since the parties had not heard from the Court regarding whether the Case Management Conference  
2 remained on calendar, both parties filed Case Management Statements that specifically referenced the  
3 Stipulation. (*Id.* ¶ 6, Ex. D.) Petitioner specifically stated in its Case Management Statement that “**The**  
4 **party or parties have all completed all discovery.**” (*Ibid.*) Shortly thereafter, the parties learned that  
5 the Court had taken the Case Management Conference off-calendar. (*Id.* ¶ 6.)

6 **B. The Court Issues A Tentative Ruling Denying The Petition Based On Government**  
7 **Code Section 6254.9, Which Both Parties Extensively Briefed**

8 The County’s pre-lawsuit communications, which are attached as exhibits to the Petition, and the  
9 County’s third affirmative defense both cite Section 6254.9. (Petition, Exhs. 8, 11, and 14; Answer, p.  
10 5, lns. 20-24.) Petitioner’s moving papers specifically anticipated the County’s reliance on Section  
11 6254.9. (*See* Petitioner’s Memo of P&A, pp. 5, 12-14.) Not surprisingly, the bulk of the County’s  
12 arguments in its Opposition rely on Section 6254.9. (County Opp. To Mtn. For Writ, pp. 5-14.) In its  
13 Reply, Petitioner directly responded to the County’s Section 6254.9 arguments albeit by insisting that  
14 the Court of Appeal in *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4<sup>th</sup> 1301 had  
15 abrogated the computer mapping system exception. (Petitioner’s Reply, pp. 6-10.) Petitioner now  
16 admits in its Application that the *Santa Clara* case did not address Section 6254.9’s computer mapping  
17 system exception. (Application, p. 3, lns. 6-10.)

18 On November 4, 2009, the Court issued a comprehensive two and half page tentative ruling  
19 **denying** the Petition. (*Id.* ¶ 7, Ex. E.) At the hearing on November 5, 2009, the Court noted that  
20 Petitioner never actually attempted to review the responsive materials containing information stored in  
21 the County’s Landbase, which the County repeatedly agreed to produce since June of 2008. (*Id.* ¶ 7.)  
22 The Court, therefore, directed the parties to step outside of the courtroom to attempt to resolve the case,  
23 and when the parties were unable to do so, the Court heard oral argument. (*Ibid.*) Following the parties’  
24 argument, the Court once again noted that Petitioner had not reviewed the materials that the County  
25 offered to produce, and directed Petitioner to review these materials, which Petitioner agreed to do.  
26 (*Ibid.*) The Court then scheduled a settlement conference anticipating that the review might facilitate  
27 settlement. (*Id.* ¶ 7, Ex. E.) The Court initially attempted to schedule the settlement conference and  
28 continued hearing date for early December, but Petitioner asked for a later date, thus the Court

1 scheduled them for December 18, 2009. (*Ibid.*) The Court further directed the parties to bring  
2 representatives to the settlement conference who had the authority and knowledge to engage in  
3 settlement discussions. (*Ibid.*)

4 **C. The County Agreed With Petitioner's Request To Exchange Discovery Early And**  
5 **Facilitated Petitioner's Review Of Records Prior To December 18, 2009**

6 On November 6, 2009, the day after the hearing, Petitioner served a request for production of  
7 documents and special interrogatories on the County. (Servino Decl. ¶ 8.) The County endeavored to  
8 respond to this discovery despite Petitioner's prior representation that discovery was complete to ensure  
9 that the settlement conference and continued hearing date on the motion on December 18, 2009  
10 proceeded as scheduled. (*Id.* ¶ 8, Ex. F.) Petitioner then served a subsequent request for admissions and  
11 form interrogatories, which would not be due until December 21, 2009 *after* the settlement conference  
12 and motion hearing. (*Ibid.*)

13 Petitioner did not attempt to review the materials the County had previously agreed to produce in  
14 its response to Petitioner's Public Records Act requests as the Court directed until Petitioner's counsel  
15 contacted the County's attorney on December 2, 2009 nearly a month after the hearing. (*Ibid.*) During  
16 this phone call, Petitioner's counsel asked if Petitioner's representatives could visit the County's  
17 facilities on December 10, 2009 to view a representative sample of the County records containing the  
18 information stored in the County's Landbase. (*Id.* ¶ 8, Ex. F.) Petitioner's counsel further asked that  
19 the County expedite its responses to certain discovery **so that Petitioner would have the responses**  
20 **before the settlement conference and hearing on December 18, 2009.** (*Ibid.*) At no time during this  
21 phone call did Petitioner's counsel ask for supplemental briefing, additional discovery, or a continuance  
22 of the hearing and settlement conference. (*Id.* ¶ 8.) The County sent a letter to Petitioner agreeing to  
23 Petitioner's requests. (*Id.* ¶ 8, Ex. F.)

24 On December 10, 2009, **over a year after the County originally agreed to allow Petitioner to**  
25 **inspect records containing information stored in the County's Landbase,** Petitioner finally inspected  
26 a representative sample of such records. (*Id.* ¶ 9.) Indeed, the County provided Petitioner with a copy  
27 of such records, and produced early responses to Petitioner's discovery as the parties agreed. (*Ibid.*)  
28 However, Petitioner's representative, Dean Wallraff, hand delivered yet a new set of discovery on the

1 County, which would not be due until January 11, 2010 *three weeks after* the settlement conference and  
2 continued hearing on the merits. (*Ibid.*)

3 **III. ARGUMENT**

4 **A. The Public Records Act Mandates That Proceedings Be Scheduled “With The**  
5 **Object Of Securing A Decision As To These Matters At The Earliest Possible Time.”**

6 This case is a Public Records Act lawsuit. The Act requires that “[t]he times for responsive  
7 pleadings and for hearings in these proceedings shall be set by the judge of the court with the object of  
8 securing a decision as to these matters at the earliest possible time.” (Gov. Code, § 6258 [emphasis  
9 added].) Petitioner had *over five months* to prepare its Opening Brief according to a briefing and  
10 hearing schedule that it proposed. The Petitioner also enjoyed the opportunity to prepare a reply to the  
11 arguments made by the County in its Opposition.

12 Now, Petitioner is seeking an *additional* three month delay, which directly conflicts with the  
13 County’s entitlement to have this matter heard “at the earliest possible time.” Even worse, Petitioner  
14 admits that its heavy reliance on *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4<sup>th</sup> 1301  
15 was misplaced, thus it seeks a new round of briefing. (Application, p. 3, lns. 4-11.) This means that  
16 County taxpayer money and judicial resources were wasted considering arguments that Petitioner has  
17 now abandoned. The Application should be denied accordingly.

18 **B. Plaintiff Cannot Demonstrate Good Cause For An Additional Delay Of The Hearing**  
19 **On The Merits Of Its Petition For Writ Of Mandate**

20 Continuances of trials are disfavored. (Cal. Rules of Court, rule 3.1332(c).) “The court may  
21 grant a continuance only on an affirmative showing of good cause requiring the continuance.” (*Ibid.*)  
22 A party seeking a continuance “must make the motion or application as soon as reasonably practical  
23 once the necessity for the continuance is discovered.” (Cal. Rules of Court, rule 3.1332(b).)

24 Here, far from establishing good cause for a continuance, the Application demonstrates the lack  
25 thereof. First and foremost, Petitioner’s eleventh hour admission that the County’s Section 6254.9  
26 arguments were “not resolved” in *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4<sup>th</sup> 1301  
27 confirms that the County’s legal arguments, and the Court’s reasoning in its tentative ruling, were sound.  
28 Petitioner makes no effort to explain why it did not or could not appropriately respond to the County’s

1 legal arguments in its reply brief, and why it chose instead to merely reiterate its argument that the *Santa*  
2 *Clara* case abrogated the computer mapping system exemption in its reply.

3 Second, Petitioner fails to demonstrate an “excused inability to obtain essential testimony,  
4 documents, or other material evidence despite diligent efforts.” (Cal. Rules of Court, rule 3.1332(c)(6).)  
5 Petitioner proposed and stipulated to the briefing and hearing schedule that the parties are operating  
6 under. Petitioner not only had the opportunity to conduct discovery, but it did indeed serve discovery  
7 early in the case, then represented in its Case Management Statement that discovery was complete.  
8 Then, it asked for the County to expedite the production of its discovery responses based on Petitioner’s  
9 representation that such responses were necessary to ensure that the December 18, 2009 settlement  
10 conference and hearing could proceed as scheduled. Now, only a few days after such statements,  
11 Petitioner asks the Court for relief from its tactical decisions, legal arguments, lack of diligence, and  
12 representations made to the Court and opposing counsel. This showing fails to meet the requirements of  
13 Rule 3.1332, subdivision (c)(6).

14 Third, Petitioner’s proposed expert testimony on the question of law regarding the interpretation  
15 of Section 6254.9 is inadmissible. The Application states that it intends to introduce expert declarations  
16 “on the key issue of whether the OC Landbase contains software or is simply data.” (Application, p. 4,  
17 Ins. 22-25.) However, this argument once again tries to knock down a strawman. The County is not  
18 arguing that the Landbase does not contain or store data. Indeed, Section III, A, of the County’s  
19 Opposition explicitly refers to the “information in the Landbase.” (County Opp. To Mtn. For Writ, pp.  
20 4-5.) Petitioner may actually be proposing to introduce testimony regarding the opinions of its staff  
21 regarding the legal interpretation of Section 6254.9. However, such evidence is inadmissible.<sup>1</sup>

22 In short, rather than make an affirmative showing of good cause, Petitioner merely provides a list  
23 of speculative hypothetical questions without any explanation of why such issues are relevant, what the  
24

25 <sup>1</sup> “It is thoroughly established that experts may not give opinions on matters which are essentially  
26 within the province of the court to decide.” (*Sheldon Appel Co. v. Albert & Olier* (1989) 47 Cal.3d  
27 863, 884 [expert could not testify on probable cause in malicious prosecution case].) “An expert witness  
28 may not properly testify on questions of law or the interpretation of a statute.” (*Communications*  
*Satellite Corp. v. Franchise Tax Bd.* (1984) 156 Cal.App.3d 726, 747 [taxpayer’s expert should not have  
been allowed to interpret tax statute]; see, e.g., *Jordan v. Allstate Ins. Co.* (2004) 16 Cal.App.4th 1206,  
1218 [“Expert testimony is not generally admissible on the question of the meaning of particular policy  
language.”].)

1 proposed discovery is likely to demonstrate, or why Petitioner did not complete its discovery earlier.  
2 The Court should reject the speculation offered by the Petitioner and deny its Application.

3 **C. The County Would Be Severely Prejudiced If Petitioner Was Granted The**  
4 **Opportunity To Re-litigate Its Case From Scratch**

5 Rule 3.1332, subdivision (d), states that “[i]n ruling on a motion or application for continuance,  
6 the court must consider all the facts and circumstances that are relevant to the determination,” including  
7 “[t]he prejudice that parties or witnesses will suffer as a result of the continuance;” “[w]hether all parties  
8 have stipulated to a continuance; “[w]hether the interests of justice are best served by a continuance, by  
9 the trial of the matter, or by imposing conditions on the continuance;” and “[a]ny other fact or  
10 circumstance relevant to the fair determination of the motion or application.” (Cal. Rules of Court, rule  
11 3.1332(d).)

12 Here, as the Sierra Club has repeatedly reminded the County throughout this case, the County is  
13 potentially liable for attorneys’ fees and costs in the event that the Sierra Club prevails in this action.  
14 (Gov. Code, 6259.) The Sierra Club has already incurred thousands of dollars in attorneys’ fees, yet it  
15 proposes to start over, abandon its reliance on the *Santa Clara* case, and conduct additional discovery,  
16 and file a new round of briefing. In so doing, it has employed a total of no less than three licensed  
17 attorneys, and one law student.<sup>2</sup> The Sierra Club has also indicated that it plans, in any event, to appeal  
18 any adverse decision against it.

19 Moreover, granting the Application would impair the chances for settlement, since it would  
20 validate Petitioner’s actions in using settlement as an avenue to secure a tactical advantage in litigation.  
21 Rather than use the prior continuance to prepare for the settlement conference as the Court directed,  
22 Petitioner used the opportunity to prepare the present Application asking the Court to allow it start from  
23 scratch with a new round of discovery and briefing. Thus, any delay in the trial only serves to increase  
24 the County’s potential liability for attorneys’ fees and costs, and would allow the Petitioner to benefit  
25 from its failure to engage in good faith settlement discussions.


26  
27  
28 <sup>2</sup> Attorneys that have actively represented the Sierra Club in this lawsuit include Sabrina Venskus,  
Elizabeth Nagelin, and Theresa Labiola. Dean Wallraff is a certified law student who participated in  
oral argument on November 5, 2009.

1 **IV. CONCLUSION**

2 For the foregoing reasons, the County respectfully requests that the Court deny Petitioner's  
3 Application to Continue the Settlement Conference and Hearing on the Petition for Writ of Mandate.

4 DATED: December 14, 2009 Respectfully submitted,

5 NICHOLAS S. CHRISOS, COUNTY COUNSEL  
6 MARK D. SERVINO, DEPUTY

7  
8 By   
9 Mark D. Servino, Deputy,  
10 Attorneys for Respondent County of Orange

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DECLARATION OF MARK D. SERVINO

I, Mark D. Servino, declare as follows:

1. I am an attorney licensed to practice before the Courts of the State of California. I am a Deputy County Counsel with Office of the County Counsel for the County of Orange, counsel of record for Respondent the County of Orange. I have personal knowledge of the facts stated herein, and could and would testify competently thereto under oath.

2. A true and correct copy of page 5 of the County's Answer to the Sierra Club's Petition for Writ of Mandate, which was filed on May 20, 2009, is attached hereto as Exhibit "A."

3. On June 16, 2009, Petitioner served form interrogatories and requests for admission on the County.

4. On July 13, 2009, I sent Petitioner's counsel, Sabrina Venskus, an e-mail asking what Petitioner proposed with respect to a briefing schedule and hearing date. Ms. Venskus did not respond to this inquiry, nor did Petitioner serve any additional discovery, for several months. A true and correct copy of my e-mail to Ms. Venskus dated July 13, 2009 is attached hereto as Exhibit "B."

5. On October 1, 2009, over two months after the County inquired about a briefing schedule and hearing date, Sabrina Venskus contacted me and proposed such a schedule. Under the proposed schedule, Petitioner had from April 21, 2009 to October 9, 2009 (over five months) to work on its opening brief, while the County only had the statutory minimum nine court days to prepare its Opposition. I prepared a stipulation reflecting the briefing schedule and hearing dates proposed by Petitioner, which was signed by myself and counsel for Petitioners. The parties filed papers in compliance with the Stipulation with Petitioner having the benefit of filing both an opening brief, as well as a reply brief in response to the County's Opposition. A true and correct copy of the signed Stipulation is attached hereto as Exhibit "C."

6. Petitioner's counsel, Elizabeth Nagelin, called me and said that she had not heard from the Court regarding whether the Case Management Conference would remain on calendar, thus we both filed Case Management Statements that specifically referenced the Stipulation. Shortly thereafter, Ms. Nagelin, informed me that the Court had taken the Case Management Conference off-calendar. A true and correct copy of Petitioner's Case Management Statement dated October 15, 2009 is attached hereto

1 as Exhibit "D."

2 7. On November 4, 2009, the Court issued a comprehensive two and half page tentative  
3 ruling denying the Petition for Writ of Mandate. On November 5, 2009, at the hearing, the Court noted  
4 that Petitioner never actually attempted to review the responsive materials containing information stored  
5 in the County's Landbase, which the County repeatedly agreed to produce since June of 2008. The  
6 Court, therefore, directed the parties to step outside of the courtroom to attempt to resolve the case, and  
7 when the parties were unable to do so, the Court heard oral argument on the Petition. Following the  
8 parties' argument, the Court once again noted that Petitioner had not reviewed the materials that the  
9 County offered to produce, and directed Petitioner to review these materials, which Petitioner agreed to  
10 do. The Court then scheduled a settlement conference anticipating that the review might facilitate  
11 settlement. The Court initially attempted to schedule the settlement conference and continued hearing  
12 date for early December, but Petitioner's counsel, Sabrina Venskus, asked for a later date, thus the Court  
13 scheduled them for December 18, 2009 without objection from the Petitioner. The Court further  
14 directed the parties to bring representatives to the settlement conference who had the authority and  
15 knowledge to engage in settlement discussions. A true and correct copy of the Court's minute order  
16 dated November 5, 2009, which reflects this tentative ruling, is attached hereto as Exhibit "E."

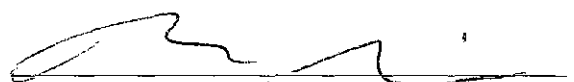
17 8. On November 6, 2009, the day after the hearing, Petitioner served a request for  
18 production of documents and special interrogatories on the County. The County endeavored to respond  
19 to this discovery despite Petitioner's prior representation that discovery was complete to ensure that the  
20 settlement conference and continued hearing date on the motion on December 18, 2009 proceeded as  
21 scheduled. Petitioner then served a subsequent request for admissions and form interrogatories, which  
22 would not be due until December 21, 2009 after the settlement conference and motion hearing.  
23 Petitioner did not attempt to review the materials the County had previously agreed to produce in its  
24 response to Petitioner's Public Records Act requests as the Court directed until Ms. Venskus contacted  
25 me on December 2, 2009. During this phone call, Ms. Venskus asked if Petitioner's representatives  
26 could visit the County's facilities on December 10, 2009 to view a representative sample of the County  
27 records containing the information stored in the County's Landbase. Ms. Venskus further asked that the  
28 County expedite its responses to certain discovery so that Petitioner would have the responses before the

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

1 settlement conference and hearing on December 18, 2009. At no time during this phone call did Ms.  
2 Venskus counsel ask me to agree to supplemental briefing, additional discovery, or a continuance of the  
3 hearing and settlement conference. Attached hereto as Exhibit "F" is a true and correct copy of my  
4 letter to Ms. Venskus dated December 3, 2009 in which I agreed to Petitioner's requests.

5 9. On December 10, 2009, Petitioner's representatives inspected a representative sample of  
6 the County's responsive records. The County provided Petitioner with a copy of such records, and  
7 produced early responses to Petitioner's discovery as the parties agreed. However, Petitioner's  
8 representative, Dean Wallraff, hand delivered yet a new set of discovery on the County, which would  
9 not be due until January 11, 2010 three weeks after the settlement conference and continued hearing on  
10 the merits.

11 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
12 true and correct. Executed this 14th day of December, 2009, in Santa Ana, California.

  
Mark D. Servino

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1 Paragraph.

2 30. The County lacks sufficient information to admit or deny the allegations contained  
3 in Paragraph 30 of the Petition, and on that basis, denies the allegations.

4 31. Answering Paragraph 31, the County denies each and every allegation therein.

5 32. Answering Paragraph 32, the County denies each and every allegation therein.

6 33. The allegations of Paragraph 33 are arguments or conclusions of law requiring no  
7 answer, but to the extent they contain allegations of fact, the County denies the allegations.

8 AFFIRMATIVE DEFENSES

9 Without admitting that it carries the burden of proof as to any of the issues listed below,  
10 the County alleges the following separate and independent affirmative defenses to the  
11 allegations in the Petition:

12 FIRST AFFIRMATIVE DEFENSE

13 (Failure to State Claim)

14 1. The Petition is barred because it fails to state a claim upon which relief may be  
15 granted.

16 SECOND AFFIRMATIVE DEFENSE

17 (Not a Public Record)

18 2. Each claim of the Petition is barred because the Landbase is not a public record  
19 within the meaning of Section 6252, subdivision (e), of the Government Code.

20 THIRD AFFIRMATIVE DEFENSE

21 (Government Code section 6254.9)

22 3. Each claim of the Petition is barred because the Landbase is "computer software"  
23 within the meaning of Section 6254.9, subdivision (a) and (b), of the Government Code, thus it  
24 is not a public record.

25 FOURTH AFFIRMATIVE DEFENSE

26 (Government Code section 6254(k))

27 4. Each claim of the Petition is barred because the disclosure of the Landbase is  
28 exempted or prohibited pursuant to federal or state law.

**Servino, Mark**

**From:** Servino, Mark  
**Sent:** Monday, July 13, 2009 10:55 AM  
**To:** 'venskus@lawsv.com'  
**Subject:** Sierra Club v. County of Orange

Hi Sabrina:

It was nice to touch base with you this morning. I was able to speak with your associate last week, and she faxed me the Exhibit 4 to your RFAs, thus it should not delay our responses. I also had called to see if we can agree to a briefing schedule for the writ. I will be out of town between August 12<sup>th</sup> through August 21<sup>st</sup>, so I am flexible in terms of a briefing schedule so long as the preparation time for the County's opposition brief does not fall within these dates.

Please let me know what you propose in terms of a briefing schedule and proposed hearing date.

Thanks!

Mark Servino  
Deputy County Counsel  
Phone: (714) 834-4714  
Facsimile: (714) 834-2359

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS MESSAGE IN ERROR, PLEASE DELETE IT IMMEDIATELY.

1 NICHOLAS S. CHRISOS, COUNTY COUNSEL  
MARK D. SERVINO, DEPUTY – State Bar No. 186941  
2 333 West Santa Ana Boulevard, Suite 407  
Post Office Box 1379  
3 Santa Ana, California 92702-1379  
Telephone: (714) 834-4714  
4 Facsimile: (714) 834-2359

**RECEIVED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER  
OCT 05 2009

5 Attorneys for Respondents County of Orange

6 *Exempt From Filing Fees Pursuant to Gov't Code § 6103*

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ORANGE – CENTRAL JUSTICE CENTER**

10  
11 THE SIERRA CLUB,

12 Petitioner,

13 v.

14 COUNTY OF ORANGE; and DOES 1  
through 10,

15 Respondents.  
16  
17

) Case No. No. 30-2009-00121878

) Assigned for all purposes to:  
James J. Di Cesare  
Department C18

) Petition filed: April 21, 2009

) **STIPULATION TO BRIEFING SCHEDULE  
AND HEARING DATE ON PETITION FOR  
WRIT OF MANDATE AND PROPOSED  
ORDER**

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

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**Exhibit C**

1 **I. RECITALS**

2 This Stipulation To Briefing Schedule and Hearing Date On Petition For Writ Of  
3 Mandate (the "Stipulation") is entered into by and between the Petitioner, the Sierra Club (the  
4 "Sierra Club"), and the Respondent, the County of Orange (the "County"), by and through their  
5 attorneys of record herein, based on the following facts:

6 1. The Court scheduled and gave notice of a Case Management Conference to take  
7 place on October 30, 2009.

8 2. The parties met and conferred telephonically on October 1, 2009 to discuss the  
9 issues that were to be covered at the upcoming Case Management Conference.

10 3. The parties agreed that the merits of this action could be resolved through a  
11 noticed motion procedure, and that if the parties stipulated to a briefing schedule and hearing  
12 date, a separate Case Management Conference hearing would not be necessary.

13 4. Accordingly, the parties agreed that the Sierra Club would file its opening brief no  
14 later than October 9, 2009, the County would file its opposition brief no later than October 23,  
15 2009, and the Sierra Club would file its reply brief on October 29, 2009. The parties further  
16 agreed that they would serve their briefs and supporting papers by express mail, as well as serve  
17 copies of their points and authorities by e-mail (attached as a PDF file). The parties further  
18 agreed that the date of the hearing on the merits of the Sierra Club's writ petition shall be on  
19 Thursday, November 5, 2009 at 1:30 a.m. in Department C-18. Finally, the parties agreed to  
20 request that the Court take the Case Management Conference that is currently scheduled for  
21 October 30, 2009 off-calendar.

22 **II. STIPULATIONS**

23 NOW, THEREFORE, based on the foregoing facts, and subject to the approval of the  
24 Court, the parties hereby stipulate and agree as follows:

25 1. The hearing on the merits of the writ petition in this action shall take place on  
26 November 5, 2009 at 1:30 p.m. in Department C-18.

27 2. The parties shall observe the following briefing schedule:

28 a. The Sierra Club's opening brief shall be filed and served on or before

- 1                   October 9, 2009;
- 2                   b.    The County's opposition brief shall be filed and served on or before
- 3                   October 23, 2009; and
- 4                   c.    The Sierra Club's reply brief shall be filed and served on or before October
- 5                   29, 2009.

6                   3.    The parties shall serve their briefs and supporting papers by express mail and

7                   serve copies of their points and authorities by e-mail (attached as a PDF file).

8                   4.    The Case Management Conference hearing that is currently scheduled for October


9                   30, 2009 shall be taken off-calendar.

10                  IT IS SO STIPULATED:

11                  DATED: October <sup>3</sup>~~1~~, 2009

Respectfully submitted,

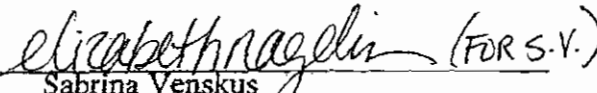
NICHOLAS S. CHRISOS, COUNTY COUNSEL  
MARK D. SERVINO, DEPUTY

By   
Mark D. Servino, Deputy  
Attorneys for Respondent County of Orange

17                  DATED: October 1, 2009

Respectfully submitted,

VENSKUS & ASSOCIATES

By  (FOR S.V.)  
Sabrina Venskus  
Attorneys for Petitioner The Sierra Club

22                  GALITVMServino\Sierra Club GIS Case\Pleadings\Sierra Club Stip Briefing Schedule.doc

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**ORDER**

Based on the foregoing Stipulation of the parties, and for good cause appearing, IT IS HEREBY ORDERED as follows:

1. The hearing on the merits of the writ petition in this action shall take place on November 5, 2009 at 1:30 p.m. in Department C-18.
2. The parties shall observe the following briefing schedule:
  - a. The Sierra Club's opening brief shall be filed and served on or before October 9, 2009;
  - b. The County's opposition brief shall be filed and served on or before October 23, 2009; and
  - c. The Sierra Club's reply brief shall be filed and served on or before October 29, 2009.
3. The parties shall serve their briefs and supporting papers by express mail and serve copies of their points and authorities by e-mail (attached as a PDF file).
4. The Case Management Conference hearing that is currently scheduled for October 30, 2009 is taken off-calendar.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. James J. Di Cesare  
Judge of the Superior Court of the State of California

1 **PROOF OF SERVICE**

2 I do hereby declare that I am a citizen of the United States employed in the County of  
3 Orange, over 18 years old and that my business address is 333 West Santa Ana Boulevard, Sui  
4 407, Santa Ana, California 92702. I am not a party to the within action.

5 On October 5, 2009, I served the foregoing **STIPULATION TO BRIEFING**  
6 **SCHEDULE AND HEARING DATE ON PETITION FOR WRIT OF MANDATE AND**  
7 **PROPOSED ORDER** on all other parties to this action by placing a true copy of said docume  
8 in a sealed envelope in the following manner:

9  (BY U.S. MAIL) I placed such envelope(s) addressed as shown below for  
10 collection and mailing at Santa Ana, California, following our ordinary business practices. I an  
11 readily familiar with this office's practice for collecting and processing correspondence for  
12 mailing. On the same day that correspondence is placed for collection and mailing, it is  
13 deposited in the ordinary course of business with the United States Postal Service in a sealed  
14 envelope with postage fully prepaid.

15  (BY AIRBORNE EXPRESS) I placed such envelope(s) addressed as shown below  
16 for collection and delivery by Airborne Express with delivery fees paid or provided for in  
17 accordance with this office's practice. I am readily familiar with this office's practice for  
18 processing correspondence for delivery the following day by Airborne Express.

19  (BY FACSIMILE) I caused such document to be telefaxed to the addressee(s) and  
20 number(s) shown below, wherein such telefax is transmitted that same day in the ordinary  
21 course of business.

22  (BY PERSONAL SERVICE) I caused such envelope(s) to be hand-delivered to  
23 the addressee(s) shown below.

24  (STATE) I declare under penalty of perjury under the laws of the State of  
25 California that the foregoing is true and correct.

26  (FEDERAL) I declare that I am employed in the office of a member of the Bar of  
27 this Court at whose direction the service was made.

28 Dated: October 5, 2009

*Rosemarie Welton*  
\_\_\_\_\_  
Rosemarie Welton

**NAME AND ADDRESS TO WHOM SERVICE WAS MADE**

Sabrina D. Venskus, Esq.  
VENSKUS & ASSOCIATES  
1055 Wilshire Blvd., Suite 1660  
Los Angeles, CA 90017  
Fax: (213) 482-4246  
venskus@lawsv.com

Attorneys for Petitioner

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

MODE = MEMORY TRANSMISSION

START=OCT-05 10:59

END=OCT-05 11:02

FILE NO.=002

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
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-ORANGE COUNTY COUNSEL -

\*\*\*\*\* UF-8000 v2 \*\*\*\*\* -COUNTY COUNSEL - \*\*\*\*\* 714 834 2359- \*\*\*\*\*

FACSIMILE TRANSMISSION SHEET



OFFICE OF THE  
COUNTY COUNSEL  
COUNTY OF ORANGE  
333 W. Santa Ana Blvd., Suite 407  
Santa Ana, California 92701  
(714) 834-3300  
Fax No.: (714) 834-2359

DATE: October 5, 2009

TO: Sabrina D. Venskus, Esq.  
FAX NO.: 213.482.4246

FROM: Mark D. Servino, Deputy County Counsel

DIRECT  
PHONE NO.: 714.834.4714

SUBJECT: *The Sierra Club v. County of Orange*, Case No. 30-2009-00121878

DOCUMENT(S) TRANSMITTED: Stipulation re Briefing Schedule and Hearing Date on Petition for Writ of Mandate and Proposed Order

ADDITIONAL INFORMATION/COMMENTS:

PAGES (INCLUDING COVER SHEET): 6

IF YOU DO NOT RECEIVE ALL PAGES  
PLEASE CALL (714) 834-3300 AS SOON AS POSSIBLE

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## Venskus & Associates

A PROFESSIONAL CORPORATION

1055 WILSHIRE BOULEVARD, SUITE 1660

LOS ANGELES, CA 90017

TELEPHONE (213) 482-4200; FACSIMILE (213) 482-4246

WWW.LAWSV.COM

### FACSIMILE

Date: October 2, 2009

To: Mark Servino, Deputy

Fax: (714) 834-2359

Fr: Sabrina Venskus

RE: The Sierra Club v. County of Orange  
Case No. 30-2009-00121878

No. pages including cover sheet: 2

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Please see attached.

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OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

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October 9, 2009;

b. The County's opposition brief shall be filed and served on or before October 23, 2009; and

c. The Sierra Club's reply brief shall be filed and served on or before October 29, 2009.

3. The parties shall serve their briefs and supporting papers by express mail and serve copies of their points and authorities by e-mail (attached as a PDF file).

4. The Case Management Conference hearing that is currently scheduled for October 30, 2009 shall be taken off-calendar.

IT IS SO STIPULATED:

DATED: October 1, 2009

Respectfully submitted,  
NICHOLAS S. CHRISOS, COUNTY COUNSEL  
MARK D. SERVINO, DEPUTY

By Mark D. Servino, Deputy  
Attorneys for Respondent County of Orange

DATED: October 1, 2009

Respectfully submitted,  
VENSKUS & ASSOCIATES  
By Sabrina Venskus (FOR S.V.)  
Sabrina Venskus  
Attorneys for Petitioner The Sierra Club

G:\LITM\Servino\Sierra Club GIS Case\Pleadings\Sierra Club Stip Briefing Schedule.doc

<p><b>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</b>                  Sabrina D. Venskus, SBN 219153                  Venskus &amp; Associates, A Professional Corporation                  1055 Wilshire Blvd., Suite 1660                  Los Angeles, CA 90017                  TELEPHONE NO.: (213) 482-4200      FAX NO. (Optional): (213) 482-4246                  E-MAIL ADDRESS (Optional): venskus@lawsv.com                  ATTORNEY FOR (Name): Petitioner The Sierra Club</p>	<p><b>FOR COURT USE ONLY</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange</b>                  STREET ADDRESS: 700 Civic Center Drive West                  MAILING ADDRESS: P.O. Box 838                  CITY AND ZIP CODE: Santa Ana, CA 92701                  BRANCH NAME: Central Justice Center</p>	
<p>PLAINTIFF/PETITIONER: The Sierra Club                  DEFENDANT/RESPONDENT: County of Orange</p>	
<p style="text-align: center;"><b>CASE MANAGEMENT STATEMENT</b></p> <p>(Check one):    <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b>      <input type="checkbox"/> <b>LIMITED CASE</b>                  (Amount demanded exceeds \$25,000)      (Amount demanded is \$25,000 or less)</p>	<p>CASE NUMBER:  30-2009-00121878-CU-WM-CJC</p>
<p><b>A CASE MANAGEMENT CONFERENCE</b> is scheduled as follows:                  Date: October 30, 2009      Time: 9:00 a.m.      Dept.: C-18      Div.:      Room:                  Address of court (if different from the address above):   <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):</p>	

**INSTRUCTIONS:** All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
  - a.  This statement is submitted by party (name): Petitioner The Sierra Club
  - b.  This statement is submitted jointly by parties (names):
  
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
  - a. The complaint was filed on (date): April 21, 2009
  - b.  The cross-complaint, if any, was filed on (date):
  
3. **Service (to be answered by plaintiffs and cross-complainants only)**
  - a.  All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
  - b.  The following parties named in the complaint or cross-complaint
    - (1)  have not been served (specify names and explain why not):
    - (2)  have been served but have not appeared and have not been dismissed (specify names):
    - (3)  have had a default entered against them (specify names):
  - c.  The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
  
4. **Description of case**
  - a. Type of case in  complaint     cross-complaint    (Describe, including causes of action):  
 Writ of Mandate

PLAINTIFF/PETITIONER: The Sierra Club

DEFENDANT/RESPONDENT: County of Orange

CASE NUMBER:

30-2009-00121878-CU-WM-CJC

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Petition for Writ of Mandate ordering County of Orange to supply Petitioner with specific electronic documents pursuant to the California Public Records Act.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request  a jury trial  a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

- a.  The trial has been set for (date): November 5, 2009  
 b.  No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

- a.  days (specify number):  
 b.  hours (short causes) (specify): 2 hours

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial  by the attorney or party listed in the caption  by the following:

- a. Attorney:  
 b. Firm:  
 c. Address:  
 d. Telephone number:  
 e. Fax number:  
 f. E-mail address:  
 g. Party represented:

Additional representation is described in Attachment 8.

9. Preference

This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)

- a. Counsel  has  has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.  
 b.  All parties have agreed to a form of ADR. ADR will be completed by (date):  
 c.  The case has gone to an ADR process (indicate status):

PLAINTIFF/PETITIONER: The Sierra Club  
DEFENDANT/RESPONDENT: County of Orange

CASE NUMBER:  
30-2009-00121878-CU-WM-CJC

10. d. The party or parties are willing to participate in (check all that apply):
- (1)  Mediation
  - (2)  Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
  - (3)  Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
  - (4)  Binding judicial arbitration
  - (5)  Binding private arbitration
  - (6)  Neutral case evaluation
  - (7)  Other (specify):

- e.  This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
- f.  Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- g.  This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference  
 The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance
- a.  Insurance carrier, if any, for party filing this statement (name):
  - b. Reservation of rights:  Yes  No
  - c.  Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction  
 Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.  
 Bankruptcy  Other (specify):  
 Status:

14. Related cases, consolidation, and coordination
- a.  There are companion, underlying, or related cases.
    - (1) Name of case:
    - (2) Name of court:
    - (3) Case number:
    - (4) Status: Additional cases are described in Attachment 14a.
  - b.  A motion to  consolidate  coordinate will be filed by (name party):

15. Bifurcation  
 The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions  
 The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

PLAINTIFF/PETITIONER: <b>The Sierra Club</b> DEFENDANT/RESPONDENT: <b>County of Orange</b>	CASE NUMBER: <b>30-2009-00121878-CU-WM-CIC</b>
-----------------------------------------------------------------------------------------------	---------------------------------------------------

**17. Discovery**

- a.  The party or parties have completed all discovery.
- b.  The following discovery will be completed by the date specified *(describe all anticipated discovery)*:

<u>Party</u>	<u>Description</u>	<u>Date</u>
--------------	--------------------	-------------

- c.  The following discovery issues are anticipated *(specify)*:

**18. Economic litigation**

- a.  This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b.  This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed *(if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case)*:

**19. Other issues**

- The party or parties request that the following additional matters be considered or determined at the case management conference *(specify)*:

Parties filed a stipulation on October 5, 2009 requesting that the Case Management Conference be taken off calendar in light of pending motion for issuance of a writ.

**20. Meet and confer**

- a.  The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court *(if not, explain)*:

See joint stipulation filed on October 5, 2009.

- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following *(specify)*:

21. Total number of pages attached *(if any)*: \_\_\_\_\_

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: October 15, 2009

Sabrina D. Venskus

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

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6 **PROOF OF SERVICE**

7 I, Tamara Yael Hoflejzer, hereby declare under penalty of perjury under the laws of the State of  
8 California that I am over the age of eighteen, I am not a party to the instant case and that my business  
9 address is 1055 Wilshire Boulevard, Suite 1660, Los Angeles, CA 90017. On October 15, 2009, I served  
10 the following documents:

11 **CASE MANAGEMENT STATEMENT**

12  by facsimile: I telecopied a copy of said document/s to the addressees at the following number as  
13 indicated further below,  by U.S. Mail: by placing a copy of the said document/s in a sealed  
14 envelope to the addressees at the following address as indicated further below, with the postage thereon  
15 fully prepaid the same day on which the correspondence was placed for collection and mailing, in a U.S.  
16 Postal Service box at 1055 Wilshire Boulevard, Suite 1660 Los Angeles, CA 90017,  by US courier  
17 (FedEx): by placing a copy of said document/s in a sealed package to the addressees as indicated further  
18 below, with all delivery charges thereof fully paid the same day on which the correspondence was placed  
19 for collection and delivered,  by electronic mail: I e-mailed a copy of said document/s to the  
20 addressees at the following e-mail address as indicated further below, or  by hand-delivery: of said  
21 document/s to the addressees as indicated further below.

22 **Nicholas S. Chrisos, County Counsel**  
23 **Mark D. Servino, Deputy**  
24 **Rebecca S. Leeds, Deputy**  
25 **333 West Santa Ana Boulevard, Suite 407**  
26 **P.O. Box 1379**  
27 **Santa Ana, CA 92702**  
28 **Fax: (714) 834-2359**

///

///

///

1 EXECUTED THIS 15<sup>TH</sup> Day of October, 2009  
2 in the County of Los Angeles, State of California.

*Tamara Yael Hofleizer*

Tamara Yael Hofleizer

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**Venskus & Associates**  
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LOS ANGELES, CA 90017  
TELEPHONE: (213) 482-4200; FACSIMILE (213) 482-4246  
WWW.LAWSV.COM

**FACSIMILE**

Date: October 15, 2009

To: Mark D. Servino

Fax: (714) 834-2359

Fr: Sabrina Venskus

RE: **Case Management Statement**  
*The Sierra Club v. County of Orange*, Case No. 30-2009-00121878-CU-WM-CJC

No. pages including cover sheet: 6

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Please see attached.

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SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

MINUTE ORDER

Date: 11/05/2009

Time: 01:30:00 PM

Dept: C18

Judicial Officer Presiding: James J. Di Cesare

Clerk: Marycruz Leyva

Reporter/ERM: Randi Taylor-6208 CSR# 6208

Bailiff/Court Attendant: Joe Betancourt

Case No: **30-2009-00121878-CU-WM-CJC** Case Init. Date: 04/21/2009

Case Title: **The Sierra Club VS County of Orange**

Case Category: Civil - Unlimited

Case Type: Writ of Mandate

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EVENT ID/DOCUMENT ID: 70838303,81030573

**EVENT TYPE:** Motion - Other

**MOVING PARTY:** The Sierra Club

**CAUSAL DOCUMENT/DATE FILED:** Motion - Other for Writ of Mandate, 10/09/2009

---

**APPEARANCES**

Sabrina D. Venskus and Dean Waalraff, from Law Offices of Sabrina Venskus, present for Plaintiff(s).  
Mark D. Servino, Deputy County Counsel for The County of Orange present

---

The tentative ruling posted on the Internet and in Department C18 as follows:

**1. PLAINTIFF'S MOTION FOR WRIT OF MANDATE MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF DECLARATION OF DEAN WALLRAFF DECLARATION OF SABRINA VENSKUS**

Petitioner the Sierra Club requests this Court to issue a writ of mandate compelling Respondent County of Orange to provide geographic information systems (GIS) format copy of the OC Land base to the Sierra Club for a fee consisting of only the direct costs of making the physical electronic copy, and with no requirement to execute a non-disclosure or other agreement.

Neither party discusses whether the standard of review is trial de novo/independent judgment or arbitrary and capricious/abuse of discretion. However, because abuse of discretion is not asserted, the standard of review is trial de novo independent judgment.

Because the Sierra Club relies on GC 6253 the Public Records Act (PRA) as the basis for granting the writ, whether the OC Land base in GIS format is a public record or a public record exception must be determined.

In order to make this determination, it must be decided whether the OC Land base in GIS format is mere data or computer mapping system software under GC 6254.9.

GC 6254.9 states in part: Computer software; status as public record; sale, lease, or license authorized; limitations

(a) Computer software developed by a state or local agency is not itself a public record under this chapter. The agency may sell, lease, or license the software for commercial or noncommercial use.

---

Date: 11/05/2009

MINUTE ORDER

Page: 1

Dept: C18

**Exhibit E**

OC 00043

(b) As used in this section, "computer software" includes computer mapping systems, computer programs, and computer graphics systems.

(d) Nothing in this section is intended to affect the public record status of information merely because it is stored in a computer. Public records stored in a computer shall be disclosed as required by this chapter.

GC 6254.9 plainly states that computer software is not a public record, that an agency may license the software and that computer software includes computer mapping systems. To that end, the computer mapping system that provides the OC Land base in GIS format is not a public record but rather an exception to the PRA rule of disclosure.

The Sierra Club contends that Santa Clara County conceded the issue that the trial court ruled GC 6254.9 did not exempt the Santa Clara GIS Base map from disclosure under the PRA by not raising it on appeal. (County of Santa Clara v. Superior Court of Santa Clara County (2009) 170 Cal.App.4th 1301.)

However, the County points out that unlike in Santa Clara, the County's arguments are not based on national security or the Critical Infrastructure Information Act of 2002, but on the computer mapping system exemption.

The argument in the Santa Clara case was based on security and yet the information sought had been provided to others which made the security argument unpersuasive. Here, no security interest is being advanced. As such, the Santa Clara decision is not controlling in this action.

The Sierra Club relies heavily on an Attorney General Opinion that processed data is a public record and that even if the data was processed from computer mapping system software that no 6254.9 exception to disclosure applies.

However, the County makes two valid points in response to the Attorney General Opinion. The County points out that the Attorney General Opinion relied on external definitions of "computer software" that do not purport to define this term as used in Section 6254.9. (88 Ops. Cal. Atty. Gen. 153 at p. 8.) The County further points out that although the opinions of the Attorney General are entitled to considerable weight, they are not binding upon the judiciary. (City of Long Beach v. Dept. of Industrial Relations (2004) 34 Cal. 4th 942, 952.)

The County also points out that the GC 6254.9 computer mapping system exemption is far more specific regarding the subject of computer mapping systems, than the general language of GC 6253.9 and 6254.5. GC 6253.9(a) requires the disclosure of non-exempt public records in electronic format if the record is in an electronic format. GC 6254.5 states that disclosure of a public record that is otherwise exempt constitutes "a waiver of the exemptions specified in GC 6254, 6254.7, or other similar provisions of law." GC 6253.9 and 6254.5 do not address computer mapping systems. The specific provisions of GC 6254.9 regarding computer mapping systems prevail over the general terms of GC 6253.9 and 6254.5.

The OC Land base in GIS format contains public record information but is not merely comprised of public records information. It is also computer software that falls under the GC 6254.9 exception to disclosure under the PRA. The Sierra Club argues that because the County has provided the OC Land base in GIS format to others, it has waived all GC exemption arguments. However, the County maintains that it has not provided the OC Land base in GIS format to others under the PRA but rather has licensed it to others for a fee. As such, no waiver of PRA exceptions has occurred.

The fine distinction between the parties' positions is that the Sierra Club views its request as one for the public record extracted from the computer mapping system software while the County views the request as one for licensing of the software without paying the licensing fee.

However, the Sierra Club fails to recognize that its request for the OC Land base in GIS format cannot be accomplished without execution of the computer mapping system software which the County has a statutory right to license under GC 6254.9. The Sierra Club also fails to acknowledge that the County has agreed to make the information the Sierra Club seeks available in other format so as not to invoke the licensing of the computer mapping system as a means of extracting or compiling the information sought.

It seems undisputed that the Sierra Club can obtain a license from the County for use of the OC Land base in GIS format. It is apparent that issue comes down not to whether the OC Land base in GIS format will be made available but rather at what cost. While obtaining a license may be an expensive proposition, the County has shown that all of the revenue from its OC Land base in GIS format licensing accounts for only 26% of the costs to keep the OC Land base in GIS format up to date.

Responding party objections are overruled. The requests judicial notice are granted but not as to the truth of all matters asserted in the documents.

The Petition is denied.

Pursuant to the request of counsel, the Court sets this matter for a Mandatory Settlement Conference on 12/18/2009 at 09:00 AM in Department C18.

The Court hears oral argument as to Motion for Writ of Mandate.

Motion for Writ of Mandate is continued to 12/18/2009 at 09:00 AM in this department to be heard after the Mandatory Settlement Conference.

Moving Party is ordered to give notice.



THE COUNTY COUNSEL  
COUNTY OF ORANGE

333 W. SANTA ANA BLVD., SUITE 407  
SANTA ANA, CA 92701  
MAILING ADDRESS: P.O. BOX 1379  
SANTA ANA, CA 92702-1379  
(714) 834-3300  
FAX: (714) 834-2359

Mark Servino  
Deputy  
(714) 834-4714

TM File No. 09-14658

December 3, 2009

NICHOLAS S. CHRISOS  
COUNTY COUNSEL  
JACK W. GOLDEN  
CHIEF ASSISTANT  
JEFFREY M. RICHARD  
SENIOR ASSISTANT  
BARBARA LARKIN STOCKER  
ASSISTANT  
THOMAS F. MORSE  
WANDA S. FLORENCE  
HOPE E. SNYDER  
SHERIE CHRISTENSEN KEOUGH  
ADRIENNE SAURO HECKMAN  
KAREN R. PRATHER  
GEOFFREY K. HUNT  
CHRISTOPHER J. MILLER  
DANIEL P. TORRES  
JOHN H. ABBOTT  
MICHELLE L. PALMER  
JANELLE B. PRICE  
ANN E. FLETCHER  
MARGARET E. EASTMAN  
MARK R. HOWE  
DANA J. STITS  
MARIANNE VAN RIPER  
JAMES C. HARMAN  
JULIE J. AGIN  
LAURIE A. SHAOE  
DANIEL H. SHEPARD  
JOYCE RILEY  
PAULA A. WHALEY  
THOMAS A. MILLER  
STEVEN C. MILLER  
CAROLYN S. FROST  
ROBERT N. ERVAIS  
BETH L. LEWIS  
LAURA D. KNAPP  
ROGER P. FREEMAN  
NICOLE A. SIMS  
NIKHIL G. DAFTARY  
JEANNIE SU  
JAMES C. HARVEY  
WENDY J. PHILLIPS  
TERI L. MAKSOUDIAN  
LEON J. PAGE  
ANGELICA CASTILLO DAFTARY  
KAREN L. CHRISTENSEN  
MICHAEL A. HAUBERT  
RYAN M. F. BARON  
BRAD R. POSIN  
SAUL REYES  
AURELIO TORRE  
MARK D. SERVINO  
DEBBIE TORREZ  
JACQUELINE GUZMAN  
ANDREA COLLIER  
PAUL M. ALBARIAN  
D. KEVIN DUNN  
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GABRIEL J. BOWNE  
JULIA C. WOOD  
LAUREL M. HAFER  
MARK A. BATAKSE  
DEPUTIES

VIA TELEFACSIMILE AND U.S. MAIL

Sabrina Venskus  
Venskus & Associates, P.C.  
1055 Wilshire Blvd., Suite 1660  
Los Angeles, CA 90017

Re: *Sierra Club v. County of Orange*, Case No. 30-2009-00121878

Dear Ms. Venskus:

This follows our discussion on Tuesday, December 2, 2009, regarding the parties' respective production of responses to discovery that is currently pending. You also asked to schedule a time that Petitioner could view the materials that the County previously agreed to produce in response to Petitioners' Public Records Act request, which is the subject of the current lawsuit. You suggested that the parties exchange discovery on Thursday, December 10, 2009, and that Petitioner inspect the records that the County previously offered to produce on that date as well. Finally, you asked if the County would agree to expedite its response to Petitioner's Request for Admissions, Set Two, and Form Interrogatories, Set Two, so that Petitioner would have the responses available before the settlement conference and hearing on December 18, 2009.

I conferred with my client, and we agree that your proposal is reasonable. First, on December 10, 2009, the parties will exchange in person responses to the following discovery at OC Public Works, which is located at 300 N. Flower Street, Second Floor, Santa Ana, California 92702: (1) Petitioners' Special Interrogatories, Set One; (2) Petitioner's Request for Production of Documents, Set One; (3) Respondent's Request for Admissions, Set One; (4) Respondent's Form Interrogatories, Set One; (5) Respondent's Request for Production of Documents, Set One; (6) Petitioner's Request for Admissions, Set Two; and (7) Petitioner's Form Interrogatories, Set Two. You further stated that Petitioner could bring the books or materials that are responsive to Respondent's Request for Production of Documents, Set One, to this meeting so that Respondent could inspect these items.

Second, as we discussed, the County will also produce a copy of records associated with a representative sample parcel or "polygon" (to use Dean Wallraff's terminology) to Petitioner on December 10<sup>th</sup>. The OC Landbase consists of over 650,000 parcels in the

Sabrina Venskus, Esq.  
December 3, 2009  
Page 2

County. In order to comply with the Court's recommendation that Petitioner view the records offered for production by the County, the County shall produce and the Petitioner will inspect a copy of the records associated with a representative polygon.

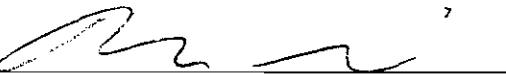
As I noted during our discussion on Tuesday, many of these records can also be retrieved over the internet. Here is the link: <http://www.ocgeomatics.com/landrecords/Default.aspx> . Many of these records are also readily available for inspection by the public in the first floor of OC Public Works at the public counter. However, we will also assemble a vertical collection of records as a representative sample of a polygon on December 10<sup>th</sup>.

Please contact me to confirm the time on December 10, 2009 that Petitioner's representatives can inspect the items being produced by the County, and I will make arrangements to reserve a conference room.

Very truly yours,

NICHOLAS S. CHRISOS  
COUNTY COUNSEL

By

  
Mark Servino, Deputy

RW:ms

OC 00047

MODE = MEMORY TRANSMISSION

START=DEC-03 15:08

END=DEC-03 15:10

FILE NO.=548

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	8	912134824246	003/003	00:01:03

-ORANGE COUNTY COUNSEL -

\*\*\*\*\* UF-8000 v2 \*\*\*\*\* -COUNTY COUNSEL - \*\*\*\*\* - 714 834 2359- \*\*\*\*\*

**FACSIMILE TRANSMISSION SHEET**



**OFFICE OF THE  
COUNTY COUNSEL**

**COUNTY OF ORANGE**

333 W. Santa Ana Blvd., Suite 407  
Santa Ana, California 92701

(714) 834-3300  
Fax No.: (714) 834-2359

**DATE:** December 3, 2009

**TO:** Sabrina Venskus, Esq.  
**FAX NO.:** 213.482.4246

**FROM:** Mark D. Servino, Deputy County Counsel

**DIRECT  
PHONE NO.:** 714.834.4714

**SUBJECT:** *Sierra Club v. County of Orange*, Case No. 30-2009-00121878

**DOCUMENT(S) TRANSMITTED:** Letter

**ADDITIONAL INFORMATION/COMMENTS:**

**PAGES (INCLUDING COVER SHEET):** 3

**IF YOU DO NOT RECEIVE ALL PAGES  
PLEASE CALL (714) 834-3300 AS SOON AS POSSIBLE**

PLEASE NOTE: The information contained in this facsimile transmission is intended to be sent only to the stated recipient of the transmission. If the reader of this message is not the intended recipient or the intended recipient's agent, you are hereby notified that we do not intend to waive any privilege that might ordinarily attach to this communication and that any dissemination, distribution or copying of the information contained in this facsimile is therefore prohibited. You are further asked to notify us of any such error in transmission as soon as possible of the telephone number shown above and to return the facsimile documents to us by mail at the address shown above. Thank you for your cooperation in this matter.

**PROOF OF SERVICE**

I do hereby declare that I am a citizen of the United States employed in the County of Orange, over 18 years old and that my business address is 333 West Santa Ana Boulevard, Suite 407, Santa Ana, California 92702. I am not a party to the within action.

On December 14, 2009, I served the foregoing **RESPONDENT COUNTY OF ORANGE'S OPPOSITION TO PETITIONER'S EX PARTE APPLICATION TO CONTINUE HEARING ON MOTION FOR ISSUANCE OF WRIT OF MANDATE; DECLARATION OF MARK SERVINO IN SUPPORT THEREOF** on all other parties to this action by placing a true copy of said document in a sealed envelope in the following manner:

(BY U.S. MAIL) I placed such envelope(s) addressed as shown below for collection and mailing at Santa Ana, California, following our ordinary business practices. I am readily familiar with this office's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

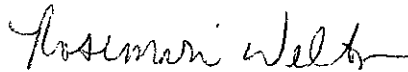
(BY OVERNIGHT COURIER) I placed such envelope(s) addressed as shown below for collection and delivery by UPS with delivery fees paid or provided for in accordance with this office's practice. I am readily familiar with this office's practice for processing correspondence for delivery the following day by UPS.

(BY FACSIMILE) I caused such document to be telefaxed to the addressee(s) and number(s) shown below, wherein such telefax is transmitted that same day in the ordinary course of business.

(BY PERSONAL SERVICE) I caused such envelope(s) to be hand-delivered to the addressee(s) shown below.

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

(FEDERAL) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.



Rosemarie Welton

**NAME AND ADDRESS TO WHOM SERVICE WAS MADE**

Sabrina D. Venskus, Esq.  
Theresa A. Labriola, Esq.  
Elizabeth Nagelin, Esq.  
LAW OFFICES OF SABRINA VENSKUS  
1055 Wilshire Blvd., Suite 1660  
Los Angeles, CA 90017  
Fax: (213) 482-4246  
venskus@lawsv.com

Attorneys for Petitioner

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

Date: 12/14/2009

Time: 01:30:00 PM

Dept: C18

Judicial Officer Presiding: James J. Di Cesare

Clerk: Marycruz Leyva

Reporter/ERM: Elaine Uehara - CSR 5857

Bailiff/Court Attendant: Brian Keltner

Case No: **30-2009-00121878-CU-WM-CJC** Case Init. Date: 04/21/2009

Case Title: **The Sierra Club VS County of Orange**

Case Category: Civil - Unlimited

Case Type: Writ of Mandate

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EVENT ID/DOCUMENT ID: 70880087,81680068

**EVENT TYPE:** Ex Parte

**MOVING PARTY:** The Sierra Club

**CAUSAL DOCUMENT/DATE FILED:** Ex Parte Application - Other Application for order continuing settlement conference, 12/11/2009

---

**APPEARANCES**

Theresa Labriola and Dean Wallraff, from Law Offices of Sabrina Venskus, present for Plaintiff(s).  
Mark D. Servino, Deputy County Counsel present for Defendant, County of Orange

---

**EX PARTE APPLICATION FOR ORDER CONTINUING SETTLEMENT CONFERENCE, CONTINUING HEARING ON MOTION FOR WRIT OF MANDATE, AND ALLOWING ADDITIONAL BRIEFING**

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Mandatory Settlement Conference is to remain on calendar for 12/18/2009 to be conducted by the Hon. Stephen J. Sundvold at 10:00 AM in Department C1. Parties are to bring all experts to the settlement conference. Counsel and parties are ordered to appear in Department C18 immediately after settlement conference concludes in Department C1.

Motion for Writ of Mandate is continued from 12/18/2009 at 09:00 AM to 01/21/2010 at 01:30 PM in this department to allow parties to fully brief the motion. Briefing will be pursuant to code.

Ex Parte continued to 01/22/2010 at 01:30 PM in this department for an Evidentiary Hearing. Ex Parte Application is deemed the moving papers. Briefing will be pursuant to code.

Moving Party is to give notice.

---

Date: 12/14/2009

MINUTE ORDER

Page: 1

Dept: C18

Calendar No.:

OC 00050



**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

Date: 12/18/2009

Time: 11:24:00 AM

Dept: C18

Judicial Officer Presiding: James J. Di Cesare

Clerk: Marycruz Leyva

Reporter/ERM: Randi Taylor-6208

Bailiff/Court Attendant: Veronica Chavira

Case No: **30-2009-00121878-CU-WM-CJC** Case Init. Date: 04/21/2009

Case Title: **The Sierra Club VS County of Orange**

Case Category: Civil - Unlimited

Case Type: Writ of Mandate

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**APPEARANCES**

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Dean Wallraff, Theresa Labriola, and Sabrina Venskus of the Law Offices of Sabrina Venskus present for Plaintiff, The Sierra Club

Mark D. Servino present for Defendant, County of Orange

Status Conference held.

Counsel inform the Court that Mandatory Settlement Conference held with Judge Sundvold this date.

Case did not settle.

Motion for Writ of Mandate scheduled for 01/22/2010 at 01:30 PM is continued to 02/22/2010 at 09:00 AM in this department.

Court orders counsel for Plaintiff to give notice.

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SABRINA D. VENSKUS (SBN 219153)  
THERESA A. LABRIOLA (SBN 225901)  
Venskus & Associates, P.C.  
1055 Wilshire Blvd., Suite 1660  
Los Angeles, CA 90017  
Phone: (213) 482-4200  
Facsimile: (213) 482-4246  
venskus@lawsv.com  
tlabriola@lawsv.com

Attorney for Petitioner,  
The Sierra Club

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER  
**FEB 23 2010**  
ALAN CARLSON, Clerk of the Court  
S Schwary  
BY L SCHWARY

**RECEIVED**  
SUPERIOR COURT OF CALIFORNIA  
CENTRAL JUSTICE CENTER

**FEB 23 2010**

BY: L. STALLWORTH

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ORANGE**

THE SIERRA CLUB,  
Petitioner,  
vs.  
COUNTY OF ORANGE; DOES 1 to 10,  
Respondents

Case No.: 30-2009-00121878- CU-WM-CJC  
Assigned to: Hon. James J. Di Cesare  
Dept. 18

**EX PARTE APPLICATION FOR ORDER  
CONTINUING EVIDENTIARY HEARING ON  
PETITIONER'S MOTION FOR WRIT OF  
MANDATE AND HEARING ON PETITIONER'S  
PETITION FOR ORDER CONTINUING  
SETTLEMENT CONFERENCE, CONTINUING  
HEARING ON MOTION FOR WRIT OF  
MANDATE, AND ALLOWING ADDITIONAL  
BRIEFING**

Petition filed: April 21, 2009  
Hearing Date: February 24, 2010  
Time: 1:30 PM  
Dept: 18

1 TO RESPONDENTS AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on February 24, 2009, at 1:30 p.m., or as soon thereafter as the  
3 matter may be heard, in Department 18 of the above entitled Court, located at 700 Civic Center  
4 Drive West, Santa Ana, California, 90702, The Sierra Club will and hereby does request this  
5 Court to:

- 6 1. Continue the Evidentiary Hearing on Petitioner's Motion for Writ of Mandate in the  
7 matter to March 15, 2010; and
- 8 2. Continue the Hearing on the Petitioner's Application for Order Continuing Settlement  
9 Conference, Hearing on Motion for Writ of Mandate, and Allowing Additional  
10 Briefing ("Motion for Additional Briefing") to March 15, 2010.

11 This ex parte application is made on the following grounds:

- 12 1. On February 22, 2010, the parties appeared before the Court for an evidentiary  
13 hearing on Petitioner's Motion for Writ of Mandate.
- 14 2. On February 22, 2010, the Court continued the evidentiary hearing on Petitioner's  
15 Motion for Writ of Mandate until March 8, 2010.
- 16 3. At the same time, on February 22, 2010, the Court rescheduled the hearing on  
17 Petitioner's Motion for Additional Briefing for March 8, 2010. This hearing was  
18 scheduled for March 25, 2010.
- 19 4. On February 22, 2010, at approximately 10:30 am, the Sierra Club's attorney  
20 apprised the County's attorneys that their expert witness, Bruce Joffe, and co-counsel  
21 Sabrina Venskus are unavailable on March 8 and 9, 2010.
- 22 5. Counsel and experts for all parties are available beginning Monday, March 15, 2010.
- 23 6. On February 22, 2010 and February 23, 2010, the Sierra Club's attorney asked the  
24 County's attorney to file a Joint Stipulation to Continue the Hearing. County's  
25 attorney refused to sign a joint stipulation

26 This ex parte application is based upon the Points and Authorities in Support of the Ex Parte  
27 Application, on the Declaration of Theresa Labriola, and any oral and documentary evidence that  
28 may be presented at the hearing on the Application.

29 Notice of the Sierra Club's intention to proceed ex parte on February 23, 2010 has been  
30 given to opposing counsel: Mark Servino, Deputy County Counsel, 333 West Santa Ana  
Boulevard, Suite 407, Santa Ana, California 92702-1379, (714) 834-4760.

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Dated: February 23, 2010

Venskus & Associates, P.C.

By 

Theresa Labriola  
Attorney for Petitioner, the Sierra Club

1 MEMORANDUM OF POINTS AND AUTHORITIES

2  
3 Petitioner seeks an ex parte order granting a Request to Continue the Evidentiary Hearing  
4 on Petitioner's Motion for Writ of Mandate in the matter and Petitioner's Application for Order  
5 Continuing Settlement Conference, Hearing on Motion for Writ of Mandate, and Allowing  
6 Additional Briefing ("Motion for Additional Briefing") to March 15, 2010. The date for both  
7 hearings is currently set for March 8, 2010. Without this one-week continuance, Petitioner will  
8 be unduly prejudiced and a fair disposition of the case will not be achieved

9  
10 **GOOD CAUSE EXISTS TO GRANT THE REQUEST TO CONTINUE THE**  
11 **HEARING DATE**

12 Petitioner's counsel is unable to appear and adequately represent her clients at the hearing  
13 due to a conflict with a Federal Court hearing on March 8, 2010 and a hearing before the Los  
14 Angeles City Council on March 9, 2010. Furthermore, Petitioner's expert witness, Bruce Joffe is  
15 in San Francisco and unavailable on March 8 and 9, 2010. (*Declaration of Theresa Labriola*  
16 (*"Labriola Dec."*) ¶ 6.) Therefore, without this one week continuance, Petitioner will be unduly  
17 prejudiced and a fair disposition of the case will not be achieved. *Id.* On the other hand, should  
18 the Hearing date be continued to March 15, 2010, counsel and experts for the Petitioner and  
19 Respondent will be available. (*Labriola Dec.* ¶ 3.) Opposing counsel does not oppose this one-  
20 week continuance. (*Labriola Dec.* ¶ 5.) However, opposing counsel has refused to sign a Joint  
21 Stipulation to continue the hearing, despite the unnecessary attorney time and cost incurred by  
22 filing this Ex parte Motion. (*Labriola Dec.* ¶ 4.)  
23

24 CONCLUSION

25 Based on the foregoing, Petitioner respectfully requests this Court grant the Request to  
26 Continue the Evidentiary Hearing in this matter until March 15, 2010 and so Order.  
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Dated: February 23, 2010

Venskus & Associates, P.C.

By 

Theresa Labriola

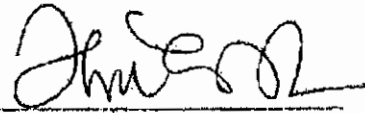
Attorney for Petitioner, the Sierra Club



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I declare under penalty of perjury that the foregoing is true and correct. Executed on  
February 23, 2010, at Los Angeles, California.

Dated: February 23, 2010

  
\_\_\_\_\_  
Theresa Labriola

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ORDER

Based on the foregoing Stipulation of the parties, and for good cause appearing, IT IS  
HEREBY ORDERED as follows:

1. The Evidentiary Hearing on Petitioner's Motion for Writ of Mandate in the matter is continued from March 8, 2010 to March 15, 2010 at 9:00 a.m. in Department C-18, ~~on the next available date thereafter.~~
2. The Hearing on Petitioner's Application for Order Continuing Settlement Conference, Hearing on Motion for Writ of Mandate, and Allowing Additional Briefing is continued from March 8, 2010 to March 15, 2010.

IT IS SO ORDERED.

Dated: 2-24-10

  
\_\_\_\_\_  
Hon. James J. Cesare  
Judge of the Superior Court of the State of  
California

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

Date: 02/24/2010

Time: 01:30:00 PM

Dept: C18

Judicial Officer Presiding: James J. Di Cesare

Clerk: Chris L White

Reporter/ERM: Randi Taylor-6208

Bailiff/Court Attendant: Allison Hreha

Case No: **30-2009-00121878-CU-WM-CJC** Case Init. Date: 04/21/2009

Case Title: **The Sierra Club VS County of Orange**

Case Category: Civil - Unlimited

Case Type: Writ of Mandate

---

EVENT ID/DOCUMENT ID: 70924237,82293712

**EVENT TYPE:** Ex Parte

MOVING PARTY: The Sierra Club

CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other Application to continue hearings,  
02/23/2010

---

**APPEARANCES**

Theresa Labriola, from LAW OFFICES OF SABRINA VENSKUS, present for Plaintiff(s) telephonically.

Nicholas Chrisos, counsel, present for Defendant(s).

---

Ex-Parte application for Order Continuing Evidentiary Hearing on Petitioner's Motion for Writ of Mandate and Hearing on Petitioner's Petition for Order Continuing Settlement Conference, Continuing Hearing on Motion for Writ of Mandate, and Allowing Additional Briefing is requested by Petitioner.

Ex-Parte application is granted.

Court will hear both Writ of Mandate and Motion for Order Requesting Additional Briefing on 03/15/10.

Motion For Writ of Mandate Hearing continued to 03/15/2010 at 09:00 AM in this department.

Counsel waive writ time requirements.

Motion for Order Requesting Additional Briefing advanced from 03/25/10 to 03/15/2010 at 09:00 AM in this department.

The Ex Parte for order continuing settlement conference set for 03/25/10 at 1:30 pm in Department C18 is vacated pursuant to Petitioner's request. Settlement conference was held on 12/18/09. Case did not settle.

Court orders plaintiff to give notice.

---

Date: 02/24/2010

MINUTE ORDER

Page: 1

Dept: C18

Calendar No.:

OC 00061



**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

Date: 03/18/2010

Time: 02:15:00 PM

Dept: C18

Judicial Officer Presiding: James J. Di Cesare

Clerk: Marycruz Leyva

Reporter/ERM: Randi Taylor-6208

Bailiff/Court Attendant: Allison Hreha

Case No: **30-2009-00121878-CU-WM-CJC** Case Init. Date: 04/21/2009

Case Title: **The Sierra Club VS County of Orange**

Case Category: Civil - Unlimited

Case Type: Writ of Mandate

---

EVENT ID/DOCUMENT ID: 70940290,79241958

**EVENT TYPE:** Miscellaneous Hearing

**MOVING PARTY:** The Sierra Club

**CAUSAL DOCUMENT/DATE FILED:** Petition for Writ of Mandate, 04/21/2009

---

**APPEARANCES**

Theresa Labriola, from LAW OFFICES OF SABRINA VENSUS, present for Plaintiff(s).

Mark Servino, Deputy County Counsel present telephically for Defendant

---

Chambers conference is held with counsel present as noted above.

Court confers with counsel regarding the trailing of the matter. Counsel for Defense state is he ready to proceed with hearing. Counsel for Plaintiff states that she has a witness issues.

Pursuant to request of counsel, the Court trials Evidentiary Hearing on Writ of Mandate to 03/23/2010 at 09:00 AM in this department.

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

Date: 03/23/2010

Time: 09:00:00 AM

Dept: C18

Judicial Officer Presiding: James J. Di Cesare

Clerk: Marycruz Leyva

Reporter/ERM: Randi Taylor-6208

Bailiff/Court Attendant: D Hertsch

Case No: **30-2009-00121878-CU-WM-CJC** Case Init. Date: 04/21/2009

Case Title: **The Sierra Club VS County of Orange**

Case Category: Civil - Unlimited

Case Type: Writ of Mandate

---

EVENT ID/DOCUMENT ID: 70940577

**EVENT TYPE:** Motion - Other

---

**APPEARANCES**

Theresa A. Labriola, from LAW OFFICES OF SABRINA VENSUS, present for Plaintiff(s) telephonically.

Mark D. Servino, Deputy County Counsel present for Defendant

---

Court and counsel confer regarding witness availability.

Hearing on Writ of Mandate is trailed to 04/12/2010 at 09:00 AM in Department C18.

The Court orders hearing trailed from day to day until all parties and the Court are ready to proceed with the hearing.

Counsel are to contact Department C18 daily at 4:30 pm beginning on 04/12/2010 to give status of their availability.

Counsel for Plaintiff is to give notice.

# ArcGIS 9

## What is ArcGIS 9.3?

EXHIBIT NO.

31

ID only (Date)

4-12-10

IN EVIDENCE (Date)

Plaintiff/People

Defendant

Joint

Petitioner

Respondent

Court

(Other)

SIGNATURE Attorney/Party Introducing Sensitive Exhibit

Case No.

VS

ALAN CARLSON, Executive Officer and Clerk

Deputy

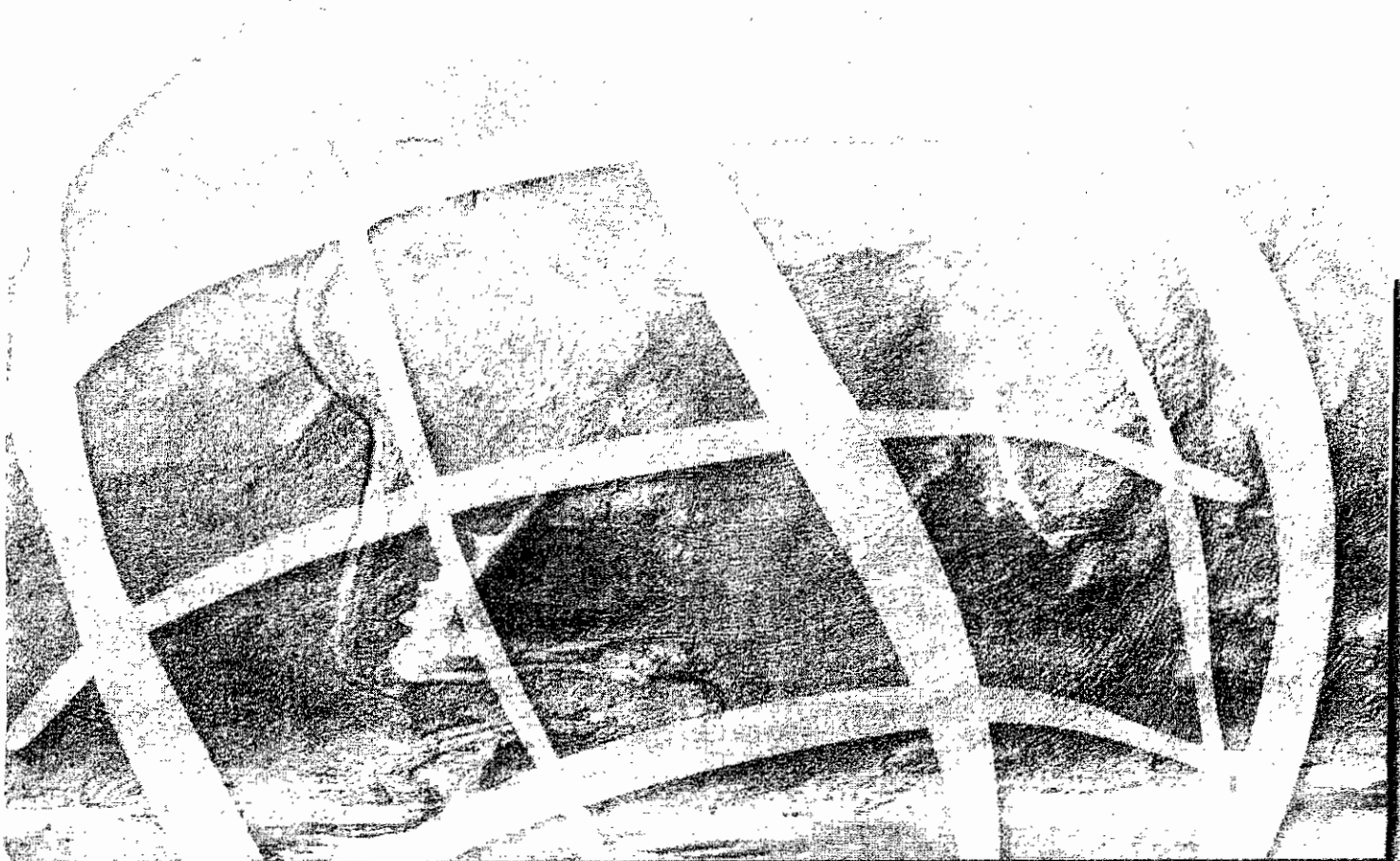
NOTE: THIS ITEM IS A PERMANENT COPY

OC 00065

# ArcGIS® 9

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**What is ArcGIS 9.3?**



# Glossary

## analysis

The process of identifying a question or issue to be addressed, modeling the issue, investigating model results, interpreting the results, reaching a conclusion, and possibly making a recommendation.

## annotation

1. In ArcGIS, text or graphics on a map that can be individually selected, positioned, and modified by the software user. The text may represent either feature attributes or supplementary information. Annotation may be manually entered by the user or generated from labels. Annotation is stored either in a map document as text or graphic elements, or in a geodatabase as a feature class.
2. A feature class type in the geodatabase.

## ArcIMS

ArcIMS stands for Arc Internet Map Server, ESRI software that allows for centrally hosting and serving GIS maps, data, and mapping applications as Web services. The administrative framework allows users to author configuration files, publish services, design Web pages, and administer ArcIMS spatial servers. ArcIMS supports Windows, Linux, and UNIX platforms and is customizable on many levels.

## ArcSDE

Software technology in ArcGIS that provides a gateway for storing, managing, and using spatial data in one of the following relational database management systems: IBM DB2 UDB, IBM Informix, Microsoft SQL Server, Oracle, and PostgreSQL. Common ArcSDE client applications include ArcGIS Desktop, ArcGIS Server, ArcGIS Engine, and ArcIMS.

## ArcToolbox

A user interface in ArcGIS used for accessing and organizing a collection of geoprocessing tools, models, and scripts. ArcToolbox and ModelBuilder are used in concert to perform geoprocessing.

## attribute

1. Information about a geographic feature in a GIS, usually stored in a table and linked to the feature by a unique identifier. For example, attributes of a river reach might include its name, length, and average depth.
2. In raster datasets, information associated with each unique value of raster cells.
3. Cartographic information that specifies how features are displayed and labeled on a map; the cartographic attributes of a river might include line thickness, line length, color, and font.

## attribute key

See primary key.

## CAD

See computer-aided drafting (CAD).

## CAD dataset

A CAD drawing file that contains graphic elements and drawing attributes. ArcGIS supports many CAD formats including DWG (AutoCAD), DXF (AutoDesk Drawing Exchange Format), and DGN (the default MicroStation file format).

## cartography

The art, science, and knowledge of expressing graphically, usually through maps, the natural and human features of the earth.

## check-in

The procedure that transfers a copy of data into a master geodatabase, updating the original portion of the dataset, and enabling it so it can be saved and accessed by other users.

**checkout**

The procedure that copies a subset of data from one geodatabase to another and enables the copy of the original data to be edited remotely. Eventually, the remote edits can be posted back to the original geodatabase using check-in.

**checkout geodatabase**

Any geodatabase that contains checked-out data from a master geodatabase.

**checkout version**

The data version created in a checkout geodatabase when data is checked out to that database. This version is created as a copy of the synchronization version. Only the edits made to this checkout version can be checked back in to the master geodatabase.

**computer-aided drafting (CAD)**

A system for the design, drafting, and display of graphically oriented information often used in architecture, engineering, and manufacturing. Also known as computer-aided design. GIS and CAD users exchange data for a host of uses and collaborations.

**coverage**

1. A data model for storing geographic features using ArcInfo Workstation. A coverage stores a set of thematically associated data that is considered a unit. It usually represents a single layer, such as soils, streams, roads, or land use. In a coverage, features are stored as both primary features (points, arcs, polygons) and secondary features (tics, links, annotation). Feature attributes are described and stored independently in feature attribute tables.
2. A complete coverage of map information, usually raster data, in the OGC Web Coverage Service (WCS).

**data**

Any collection of related facts arranged in a particular format; often, the basic elements of information that are produced, stored, or processed by a computer.

**database management system (DBMS)**

A set of computer programs that organizes the information in a database according to a conceptual schema and provides tools for data input, verification, storage, modification, and retrieval.

**data model**

1. In GIS, a mathematical paradigm for representing geographic objects or surfaces as data. The vector data model represents geography as collections of points, lines, and polygons; the raster data model represents geography as cell matrices that store numeric values; the TIN data model represents geography as sets of contiguous, nonoverlapping triangles.
2. In ArcGIS, a set of database design specifications for objects in a GIS application. A data model describes the thematic layers used in the application (for example, counties, roads, and hamburger stands); their spatial representation (for example, point, line, or polygon); their attributes; their integrity rules and relationships (for example, streets cannot self-intersect, or counties must nest within states); their cartographic portrayal; and their metadata requirements.
3. In information theory, a description of the rules by which data is defined, organized, queried, and updated within an information system (usually a database management software program).

**dataset**

Any organized collection of data with a common theme.

**DBMS**

See database management system (DBMS).

**DEM**

See digital elevation model (DEM).

**digital elevation model (DEM)**

The representation of continuous elevation values over a topographic surface by a regular array of z-values, referenced to a common datum. Typically used to represent terrain relief.

**digital terrain model (DTM)**

See digital elevation model (DEM).

**disconnected editing**

The process of checking out data from another geodatabase (usually a subset of the data), editing that data, then merging the changes back into the source or master geodatabase using check-in.

**domain**

In geodatabases, the set of valid values or ranges of values for an attribute field.

**enterprise geodatabase**

A centralized geographic database (often managed using a series of federated or distributed copies) that supports an organization's objectives and goals. Enterprise geodatabases are typically multiuser and transactional and are managed in a DBMS using ArcSDE.

**enterprise GIS**

An integrated, multidepartmental system for collecting, organizing, analyzing, visualizing, managing, and disseminating geographic information. It is intended to address both the collective and the individual needs of an organization and to make geographic information and services available to GIS and non-GIS professionals.

**Extensible Markup Language (XML)**

Developed by the World Wide Web Consortium (W3C), XML is a standard for designing text formats that facilitate the interchange of data between computer applications (for example, across the Web). XML is a set of rules for creating standard information formats using customized tags and sharing both the format and the data across applications.

**feature class**

A collection of a common type of geographic feature (for example, wells, roads, or address locations) with the same geometry type (such as point, line, or polygon), the same attribute fields, and the same spatial reference. Feature classes can stand alone within a geodatabase or be contained within a feature dataset. Feature classes allow homogeneous features to be grouped into a single unit for data storage and use. For example, highways, primary roads, and secondary roads can be grouped into a line feature class named roads. In a geodatabase, there are seven feature class types: Point, Line, Polygon, Annotation, Multipoints (to hold lidar and bathymetry observations), Multipatches (to hold 3D shapes), and Dimensions (a specialized type of annotation). External GIS datasets, such as CAD files, OGC GML files, and MapInfo files, are accessed as feature classes in ArcGIS.

**feature dataset**

A collection of related feature classes stored together that share the same spatial reference; that is, they have the same coordinate system. Feature datasets are used to organize feature classes that participate together in a topology, a network, or a terrain dataset.

**GDB**

See geodatabase (GDB).

**geocoding**

The process of finding the location of a street address on a map. The derived location can be an x,y coordinate or a feature such as a street segment, postal delivery location, or building. In GIS, geocoding requires a reference dataset that contains address attributes for the geographic features in the area of interest. The geodatabase contains a data type to support geocoding called an Address Locator.

**geodatabase (GDB)**

A collection of geographic datasets of various types held in a common file system folder, a Microsoft Access database file, or in a multiuser relational database (such as Oracle, Microsoft SQL Server, IBM DB2, PostgreSQL, or Informix). The geodatabase is the native data structure used in ArcGIS and is the primary format used for editing and data management.

**geodatabase data model**

The schema for the various geographic datasets and tables in an instance of a geodatabase. The schema defines the GIS objects, rules, and relationships used to add GIS behavior and integrity, and to model the spatial relationships of the datasets in a collection.

**geodataset**

Any GIS-based dataset.

**geographic data**

Information about real-world features, including their shapes, locations, and descriptions. Geographic data is the composite of spatial data and attribute data.

**geographic database**

See geodatabase (GDB).

**geographic information system (GIS)**

A system of computer hardware, software, data, and workflow procedures for collecting, storing, analyzing, and disseminating information about areas of the earth. People interact with a GIS to integrate, analyze, and visualize geographic data; identify relationships, patterns, and trends; and help find solutions to problems. Each GIS typically represents map information as data layers used to perform analysis and visualization.

**geometry**

The measures and properties of points, lines, polygons, surfaces, and 3D objects. In a GIS, geometry is used to represent the spatial component of geographic features. There are two primary geometry types: features and rasters (often called grids).

**geoprocessing**

The methodical execution of a sequence of operations on geographic data to create new information. Common geoprocessing operations are geographic feature overlay, feature selection and analysis, topology processing, raster processing, and data conversion. Geoprocessing allows you to chain together sequences of tools, feeding the output of one tool into another. You can use this ability to compose a variety of geoprocessing models (tool sequences) that help automate your work, perform analysis, and solve complex problems.

**georeferencing**

The process of describing the correct location and shape of features—typically by assigning coordinates from a known reference system, such as latitude-longitude, universal transverse Mercator (UTM), or state plane. Georeferencing allows various independent GIS datasets to be brought together as overlays of geographic information.

**GIS**

See geographic information system (GIS).

**Global Positioning System (GPS)**

A system of satellites and receiving devices used to compute positions on the earth for three dimensions (x, y, and z). GPS is used in navigation, mapping, GIS, and surveying.

**grid**

See raster.

**image**

A raster-based representation or description of a scene, typically produced by an optical or electronic device, such as a camera or a scanning radiometer. Common examples include remotely sensed data (for example, satellite imagery), scanned data, and photographs.

**image catalog**

See raster catalog.

**JavaScript**

A scripting language used in HTML Web programming.

**key**

See primary key.

**layer**

In ArcGIS, a reference to a data source, such as a geodatabase feature class, raster, shapefile, and so on, that defines how the data should be symbolized on a map or in a 3D document such as ArcGlobe. Layers can also define additional properties, such as which features from the data source are included. Layers can be stored in map documents (.mxd) or saved individually as layer files (.lyr).

**line**

A shape having length and direction but no area, connecting at least two coordinates. Lines represent geographic features too narrow to be displayed as an area at a given scale, such as contours, street centerlines, or streams, or features with no area that form the boundaries of polygons, such as state and county boundary lines.

**line feature**

In ArcGIS, a digital representation of a place or thing that has length but is too narrow to be represented as a polygon area at a particular scale, such as a river on a world map or a street on a city map.

**map**

1. A graphic depiction on a flat surface of the physical features of the whole or a part of the earth or other body, using shapes to represent objects and symbols and labels to represent the feature properties or descriptions. Maps generally use a specified projection and indicate the direction of orientation.

2. A collection of map elements laid out and organized on a page. Common map elements include the map frame with map layers, a scale bar, north arrow, title, descriptive text, and a symbol legend. The primary map element is the map frame, which provides the principal display of geographic information. Within the map frame, geographic entities are presented as a series of map layers that cover a given map extent—for example, map layers such as roads, rivers, place names, buildings, political boundaries, surface elevation, and satellite imagery.
3. The document used in ArcMap to display and work with geographic data. In ArcMap, a map contains one or more layers of geographic data, contained in data frames, and various supporting map elements, such as a scale bar. Often referred to as an ArcMap document or an MXD.

#### **metadata**

Information that describes the content, quality, condition, origin, and other characteristics of a dataset or other pieces of information. Metadata consists of properties and documentation. Properties are derived from the data source (for example, the coordinate system and projection of the data), while documentation is entered by a person (for example, keywords used to describe the data).

#### **model**

1. An abstraction and description of reality used to represent objects, processes, or events.
2. In ArcGIS, a geoprocessing model that implements a clearly defined procedure created using the ModelBuilder application or written as a Python script. Geoprocessing is used to chain together sequences of tools, feeding the output of one tool into another. Geoprocessing models are used to derive new information from input data.
3. In the geodatabase, the schema of any particular geodatabase instance. In this case, the data model describes the objects that are represented in the geodatabase, their rules and GIS behaviors, and their relationships to each other.
4. A data representation of reality, such as the vector data model, raster data model, or relational data model.

#### **ModelBuilder**

A geoprocessing application in ArcGIS used with ArcToolbox to graphically compose a geoprocessing model or script.

#### **multipatch**

1. A type of geometry used to represent the outer surface, or shell, of features that occupy a discrete area or volume in three-dimensional space. They are composed of planar 3D rings and triangles that are used in combination to model a feature.
2. A type of 3D feature class in the geodatabase.

#### **multiuser geodatabase**

A geodatabase managed in an RDBMS server by ArcSDE that supports transactions and versioning. Multiuser geodatabases can be very large and support multiple, concurrent editors. They are supported on a variety of commercial RDBMSs including Oracle, Microsoft SQL Server, IBM DB2, PostgreSQL, and Informix. Often referred to as an ArcSDE geodatabase.

#### **network**

A set of connected edges, junctions, and other elements (such as complex turns in a transportation system), along with connectivity rules, that are used to represent and model the behavior of a common network infrastructure in the real world—for example, an interconnected set of lines representing a city streets layer, a pipeline, a sewer, or an electric network.

#### **OGC**

See Open Geospatial Consortium, Inc. (OGC)

#### **Open Geospatial Consortium, Inc. (OGC)**

An industry-based organization that works on, and supports, interoperability in the GIS and geospatial communities.

#### **Oracle**

A leading RDBMS software product developed and owned by Oracle Corporation. It provides excellent client/server access to very large data collections and is used by many ArcGIS users for managing their geodatabases.

**personal geodatabase**

A geodatabase that stores data in a single-user Microsoft Access data file. A personal geodatabase can be read simultaneously by several users, but only one user at a time can write data into it.

**point feature**

In ESRI software, a digital representation of a place or thing that has location but is too small to have area or length at a particular scale, such as a city on a world map or a building on a city map. A point feature can also be used to represent a place or thing that by its nature doesn't have area or length, such as a mountain peak or the location of a lightning strike.

**polygon feature**

In ESRI software, a digital representation of a place or thing that has area at a particular scale, such as a country on a world map or a land parcel on a parcel map. Polygon features have polygon geometry and can be single or multipart. For example, the state of Hawaii can be represented using a multipart polygon composed of many islands.

**PostgreSQL**

An RDBMS built and maintained by the open source community and supported by ArcGIS.

**primary key**

A column or set of columns in a database that uniquely identifies each record. A primary key allows no duplicate values and cannot be NULL.

**query**

A request that selects features or records from a database. A query is often written as a statement or logical expression.

**raster**

A spatial data model that defines space as an array of equally sized cells arranged in rows and columns. Each cell contains an attribute value and location coordinates. An image uses a raster data structure.

**raster catalog**

A collection of raster datasets defined in a table of any format in which the records define the individual raster datasets that are included in the catalog. A raster catalog is used to display adjacent or overlapping raster datasets

without having to mosaic them together into one large file.

**RDBMS**

Relational database management system. A type of database in which the data is organized across several tables. Tables are associated with each other through common fields. Data items can be recombined from different files. Structured Query Language (SQL) is a language for working with the rows, columns, and data types in an RDBMS.

**relational database management system (RDBMS)**

See RDBMS.

**REST**

Stands for Representational State Transfer and is a Web programming protocol that uses HTTP operators and commands in scripting environments such as JavaScript. Services in ArcGIS Server support a set of REST interfaces.

**shapefile**

A vector data storage format invented and published by ESRI for storing the location, shape, and attributes of geographic features. A shapefile is stored in a set of related files and contains one feature class. Shapefiles are widely used for data interchange among heterogeneous GIS systems.

**SOAP**

Simple Object Access Protocol. An XML-based protocol developed by Microsoft, Lotus, and IBM for exchanging information between peers in a decentralized, distributed environment. SOAP allows programs on different computers to communicate independently of operating system or platform by using the World Wide Web's HTTP and XML as the basis of information exchange. SOAP is now a W3C specification.

**SQL**

See Structured Query Language (SQL).

**Structured Query Language (SQL)**

A syntax for defining and manipulating data from a relational database. Developed by IBM in the 1970s, SQL has become an industry standard for query languages in most relational database management systems.

**table**

A set of data elements arranged in rows and columns. Each row represents an individual entity, record, or feature, and each column represents a single field or attribute value. A table has a specified number of columns but can have any number of rows.

**tool**

A geoprocessing operator in ArcGIS that performs specific geoprocessing tasks such as clip, split, erase, or buffer. A tool can belong to any number of toolsets and/or toolboxes. ArcToolbox organizes all the geoprocessing tools in ArcGIS in separate toolboxes and toolsets.

**topology**

In geodatabases, the arrangement that constrains how point, line, and polygon features share geometry. For example, street centerlines and census blocks share geometry, and adjacent soil polygons share geometry. Topology defines and enforces data integrity rules (for example, there should be no gaps between polygons). It supports topological relationship queries and navigation (for example, navigating feature adjacency or connectivity), supports sophisticated editing tools, and allows feature construction from unstructured geometry (for example, constructing polygons from lines).

**transaction**

1. A group of data operations that compose a complete operational task, such as inserting a row into a table.
2. A logical unit of work as defined by a user. Transactions can be data definition (create an object), data manipulation (update an object), or data read (select from an object).

**vector**

A coordinate-based data model that represents geographic features as points, lines, and polygons. Each point feature is represented as a single coordinate pair, while line and polygon features are represented as ordered lists of vertices. Attributes are associated with each feature.

**version**

In geodatabases, a snapshot in time of the state of a geodatabase used to manage many key GIS data management workflows. These workflows include:

- Multiuser editing where each user is editing his or her own version
- Checkout, disconnect, edit, and check-in of updates
- Creating historical archives
- Synchronizing updates across a series of distributed geodatabase replicas

**XML**

See Extensible Markup Language (XML).



EXHIBIT NO. 47.5

ID only (Date) 4-12-10

IN EVIDENCE (Date) 4-12-10

Plaintiff/People     Defendant     Joint  
 Petitioner         Respondent     Court  
 (Other)

Atty/Party Introducing Sensitive Exhibit

Case No. 09-00121878

The Sierra Club

Vs.

County of Orange

Alan Carlson, Executive Officer and Clerk

Marycruz Leyva

Deputy

NOTE: THIS ITEM IS A PERMANENT COURT RECORD.  
DO NOT REMOVE FROM THE COURTROOM

◆ .529 (R9/08)

responsible for the collection, maintenance or update of an Agency's data. The Steward may or may not also be the data owner.

**Data Owner** The entity that holds the valid copyright for the subject data.

**Data Custodian** A synonym for data Steward.

**Agency** A synonym for "public agency," "government agency," "regional government," or "local government."

**Geospatial Data** The digital, geographic and location-based information, including related attribute records, data files, and metadata that are stored and maintained in the Data Owner's or the Steward's computer systems.

**Steward's Data** A synonym for geospatial data.

**Geodata** A synonym for geospatial data.

**dGI** digital Geographic Information, a synonym for geospatial data.

**Metadata** Information that describes geospatial data, such as the contact person in the data owner's agency, the contents of the dGI database, the data accuracy, projection, currency (date of capture), and format of the data.

**GIS** Geographic Information System, the collection of computers, software, databases, and data that enable geospatial data to be received, manipulated, displayed, and distributed.

**Licensee** Any recipient of the Steward's data that has agreed in good faith to the terms of the License Agreement, and is conducting data related activities accordingly.

- **Assumptions**

This data policy is based upon the following principles:

- 1 Public information is a necessary component of the democratic process and open government.
- 2 The value of geospatial data is realized through its usage.
- 3 Widespread distribution and use of public geodata benefits the data Steward's entire jurisdiction.
- 4 Public agencies increasingly store data electronically, and such digital data constitutes the public record.
- 5 In their roles as data custodians, public agencies have a responsibility to make data available both for citizen access, and to reduce duplication of effort among public agencies.
- 6 Public agencies need funding to develop, maintain, and distribute their data.

ORIGINAL

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JUN 18 2010

BY: B. LEA

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

AUG 03 2010

ALAN CARLSON, Clerk of the Court  
*Alan Carlson*  
BY M. LEYVA

*me*

Attorneys for Respondent County of Orange  
*Exempt From Filing Fees Pursuant to Gov't Code § 6103*

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

THE SIERRA CLUB,  
  
Petitioner,  
  
v.  
  
COUNTY OF ORANGE; and Does 1 through  
10,  
  
Defendant.

Case No. 30-2009-00121878  
ASSIGNED FOR ALL PURPOSES TO  
JUDGE JAMES J. DI CESARE  
DEPARTMENT C18  
**[PROPOSED] JUDGMENT DENYING  
PETITION FOR WRIT OF MANDATE**

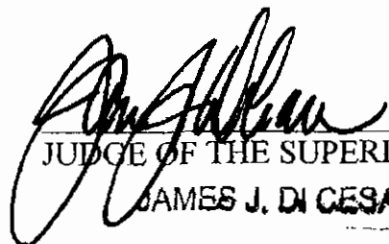
1 This matter came on for hearing on November 5, 2009 and April 12 and 13, 2010 in  
2 Department C-18 of the above-entitled court, the Honorable James J. Di Cesare presiding.  
3 Sabrina Venskus, Theresa Labriola and Dean Wallraff appeared on behalf of petitioner The  
4 Sierra Club ("Petitioner"). Mark Servino and Rebecca Leeds appeared on behalf of respondent  
5 the County of Orange ("Respondent").

6 The Court heard and considered the testimony, the documentary evidence, and the  
7 argument of counsel. The matter having been submitted for decision, and the Court having  
8 issued its statement of decision,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

10 1. Petitioner's Petition for Writ of Mandate is DENIED as to all claims and all  
11 requested relief.

12 DATED: AUG 03 2010, ~~2010~~

  
JUDGE OF THE SUPERIOR COURT  
JAMES J. DI CESARE

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

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1 **PROOF OF SERVICE**

2 I do hereby declare that I am a citizen of the United States employed in the County of  
3 Orange, over 18 years old and that my business address is 333 West Santa Ana Boulevard, Suite  
4 407, Santa Ana, California 92701. I am not a party to the within action.

5 On June 18, 2010, I served the foregoing [PROPOSED] JUDGMENT DENYING  
6 PETITION FOR WRIT OF MANDATE on all other parties to this action by placing a true copy  
7 of said document in a sealed envelope in the following manner:

8  (BY U.S. MAIL) I placed such envelope(s) addressed as shown below for collection and  
9 mailing at Santa Ana, California, following our ordinary business practices. I am readily  
10 familiar with this office's practice for collecting and processing correspondence for mailing. On  
11 the same day that correspondence is placed for collection and mailing, it is deposited in the  
12 ordinary course of business with the United States Postal Service in a sealed envelope with  
13 postage fully prepaid.

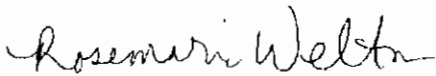
14  (BY OVERNIGHT DELIVERY) I placed such envelope(s) addressed as shown below  
15 for collection and delivery by UPS with delivery fees paid or provided for in accordance with  
16 this office's practice. I am readily familiar with this office's practice for processing  
17 correspondence for delivery the following day by UPS.

18  (BY FACSIMILE) I caused such document to be telefaxed to the addressee(s) and  
19 number(s) shown below, wherein such telefax is transmitted that same day in the ordinary  
20 course of business.

21  (BY PERSONAL SERVICE) I caused such envelope(s) to be hand-delivered to the  
22 addressee(s) shown below.

23  (STATE) I declare under penalty of perjury under the laws of the State of  
24 California that the foregoing is true and correct.

25  (FEDERAL) I declare that I am employed in the office of a member of the Bar of  
26 this Court at whose direction the service was made.

27   
28 \_\_\_\_\_  
Rosemarie Welton

**NAME AND ADDRESS TO WHOM SERVICE WAS MADE**

29 Sabrina D. Venskus, Esq.  
30 Theresa Labriola, Esq.  
31 Venskus & Associates, P.C.  
32 21 S. California St., Suite 204  
33 Ventura, CA 93001

Attorneys for Petitioner

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

CASE SUMMARY				
Case No.	Case Title	Case Type	Filing Date	Category
30-2009-00121878-CU-WM-CJC	THE SIERRA CLUB VS COUNTY OF ORANGE	WRIT OF MANDATE	04/21/2009	CIVIL - UNLIMITED

### Participants

Results 1 - 4 of 4

Name	Type	Assoc	Start Date	End Date
COUNTY OF ORANGE	DEFENDANT		04/21/2009	
THE SIERRA CLUB	PLAINTIFF		04/21/2009	
NICHOLAS S CHRISOS	ATTORNEY		05/20/2009	
LAW OFFICES OF SABRINA VENSUS	ATTORNEY		04/21/2009	

### Hearings

Event	Scheduled Date	Start Time	Dept	Judge
No Records Found				

### Register of Actions

Results 1 - 155 of 155

ROA #	Docket Entry	Filing Date ↑	Filing Party
1	PETITION FOR WRIT OF MANDATE FILED BY THE SIERRA CLUB ON 04/21/2009	04/21/2009	THE SIERRA CLUB ON 04/21/2009
2	SUMMONS ISSUED AND FILED FILED BY THE SIERRA CLUB ON 04/21/2009	04/21/2009	THE SIERRA CLUB ON 04/21/2009
3	CIVIL CASE COVER SHEET FILED BY THE SIERRA CLUB ON 04/21/2009	04/21/2009	THE SIERRA CLUB ON 04/21/2009
4	CASE ASSIGNED TO JUDICIAL OFFICER DI CESARE, JAMES.	04/21/2009	
5	PAYMENT RECEIVED BY FOR 26 - COMPLAINT OR OTHER 1ST PAPER IN THE AMOUNT OF 350.00, TRANSACTION NUMBER 10358937 AND RECEIPT NUMBER 10182811.	04/21/2009	
6	PROOF OF SERVICE OF SUMMONS FILED BY THE SIERRA CLUB ON 04/21/2009	04/21/2009	THE SIERRA CLUB ON 04/21/2009
7	ANSWER TO COMPLAINT FILED BY COUNTY OF ORANGE ON 05/20/2009	05/20/2009	COUNTY OF ORANGE ON 05/20/2009
8	NOTICE - OTHER (OF FIRM NAME ADDRESS CHANGE) FILED BY THE SIERRA CLUB ON 07/06/2009	07/06/2009	THE SIERRA CLUB ON 07/06/2009
9	CASE MANAGEMENT CONFERENCE SCHEDULED FOR 10/30/2009 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	09/09/2009	
10	MOTION - OTHER (FOR WRIT OF MANDATE) FILED BY THE SIERRA CLUB ON 10/09/2009	10/09/2009	THE SIERRA CLUB ON 10/09/2009
11	REQUEST FOR JUDICIAL NOTICE FILED BY THE SIERRA CLUB ON 10/09/2009	10/09/2009	THE SIERRA CLUB ON 10/09/2009

13	PAYMENT RECEIVED BY FOR 36 - MOTION OR OTHER (NOT 1ST) PAPER REQUIRING A HEARING IN THE AMOUNT OF 40.00, TRANSACTION NUMBER 10486905 AND RECEIPT NUMBER 10310779.	10/09/2009	
12	MOTION - OTHER SCHEDULED FOR 11/05/2009 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	10/13/2009	
14	CASE MANAGEMENT STATEMENT FILED BY COUNTY OF ORANGE ON 10/15/2009	10/15/2009	COUNTY OF ORANGE ON 10/15/2009
15	CASE MANAGEMENT STATEMENT FILED BY THE SIERRA CLUB ON 10/15/2009	10/15/2009	THE SIERRA CLUB ON 10/15/2009
16	PAYMENT RECEIVED BY FOR FACSIMILE FILING PER PAGE IN THE AMOUNT OF 7.00, TRANSACTION NUMBER 10492508 AND RECEIPT NUMBER 10316381.	10/19/2009	
17	REQUEST FOR JUDICIAL NOTICE FILED BY COUNTY OF ORANGE ON 10/22/2009	10/22/2009	COUNTY OF ORANGE ON 10/22/2009
18	NOTICE OF LODGING FILED BY COUNTY OF ORANGE ON 10/22/2009	10/22/2009	COUNTY OF ORANGE ON 10/22/2009
19	OPPOSITION FILED BY COUNTY OF ORANGE ON 10/22/2009	10/22/2009	COUNTY OF ORANGE ON 10/22/2009
20	STATEMENT - OTHER (COMPENDIUM OF DECLARATIONS) FILED BY COUNTY OF ORANGE ON 10/22/2009	10/22/2009	COUNTY OF ORANGE ON 10/22/2009
26	STIPULATION AND ORDER (STIPULATION TO BRIEFING SCHEDULE AND HEARING DATE ON PETITION FOR WRITO OF MANDATEDE AND ORDER) FILED BY COUNTY OF ORANGE ON 10/22/2009	10/22/2009	COUNTY OF ORANGE ON 10/22/2009
21	OBJECTION FILED BY COUNTY OF ORANGE ON 10/23/2009	10/23/2009	COUNTY OF ORANGE ON 10/23/2009
22	REPLY TO OPPOSITION FILED BY THE SIERRA CLUB ON 10/29/2009	10/29/2009	THE SIERRA CLUB ON 10/29/2009
23	RESPONSE FILED BY THE SIERRA CLUB ON 10/29/2009	10/29/2009	THE SIERRA CLUB ON 10/29/2009
24	PAYMENT RECEIVED BY FOR FACSIMILE FILING PER PAGE IN THE AMOUNT OF 22.00, TRANSACTION NUMBER 10501377 AND RECEIPT NUMBER 10325250.	10/30/2009	
25	MINUTES FINALIZED FOR CASE MANAGEMENT CONFERENCE 10/30/2009 09:00:00 AM.	11/02/2009	
143	REQUEST FOR STATEMENT OF DECISION FILED BY COUNTY OF ORANGE ON 11/02/2009	11/02/2009	COUNTY OF ORANGE ON 11/02/2009
27	MANDATORY SETTLEMENT CONFERENCE SCHEDULED FOR 12/18/2009 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	11/05/2009	
28	MOTION - OTHER RESCHEDULED FOR 12/18/2009 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	11/05/2009	
29	MOTION - OTHER SCHEDULED FOR 12/18/2009 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	11/05/2009	

THE MANDATORY SETTLEMENT CONFERENCE IS

30	SCHEDULED FOR 12/18/2009 AT 09:00 AM IN DEPARTMENT C18.	11/05/2009	
31	MOTION - OTHER CONTINUED TO 12/18/2009 AT 09:00 AM IN THIS DEPARTMENT.	11/05/2009	
32	MINUTES FINALIZED FOR MOTION - OTHER 11/05/2009 01:30:00 PM.	11/05/2009	
33	PAYMENT RECEIVED BY FOR 36 - MOTION OR OTHER (NOT 1ST) PAPER REQUIRING A HEARING, FACSIMILE FILING PER PAGE IN THE AMOUNT OF 54.00, TRANSACTION NUMBER 10532169 AND RECEIPT NUMBER 10356042.	12/11/2009	
34	EX PARTE APPLICATION - OTHER (APPLICATION FOR ORDER CONTINUING SETTLEMENT CONFERENCE) FILED BY THE SIERRA CLUB ON 12/11/2009	12/11/2009	THE SIERRA CLUB ON 12/11/2009
35	EX PARTE SCHEDULED FOR 12/14/2009 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	12/14/2009	
36	MANDATORY SETTLEMENT CONFERENCE REASSIGNED TO C01 AT CENTRAL JUSTICE CENTER ON 12/18/2009 AT 10:00:00 AM.	12/14/2009	
37	MANDATORY SETTLEMENT CONFERENCE SCHEDULED FOR 12/18/2009 AT 10:00:00 AM IN C01 AT CENTRAL JUSTICE CENTER.	12/14/2009	
38	MOTION - OTHER RESCHEDULED FOR 01/21/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	12/14/2009	
39	MOTION - OTHER SCHEDULED FOR 01/21/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	12/14/2009	
40	EX PARTE RESCHEDULED FOR 01/22/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	12/14/2009	
41	EX PARTE SCHEDULED FOR 01/22/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	12/14/2009	
42	MANDATORY SETTLEMENT CONFERENCE CONTINUED TO 12/18/2009 AT 10:00 AM IN DEPARTMENT C1.	12/14/2009	
43	MOTION - OTHER CONTINUED TO 01/21/2010 AT 01:30 PM IN THIS DEPARTMENT.	12/14/2009	
44	EX PARTE CONTINUED TO 01/22/2010 AT 01:30 PM IN THIS DEPARTMENT.	12/14/2009	
45	MINUTES FINALIZED FOR EX PARTE 12/14/2009 01:30:00 PM.	12/14/2009	
123	OPPOSITION (EX PARTE APPLICATION) FILED BY COUNTY OF ORANGE ON 12/14/2009	12/14/2009	COUNTY OF ORANGE ON 12/14/2009
46	NOTICE OF SETTLEMENT FILED BY THE SIERRA CLUB ON 12/17/2009	12/17/2009	THE SIERRA CLUB ON 12/17/2009
47	MINUTES FINALIZED FOR MANDATORY SETTLEMENT CONFERENCE 12/18/2009 10:00:00 AM.	12/18/2009	
57	MOTION - OTHER RESCHEDULED FOR 02/22/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	12/18/2009	
58	MOTION - OTHER SCHEDULED FOR 02/22/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	12/18/2009	
59	MOTION - OTHER CONTINUED TO 02/22/2010 AT 09:00 AM IN THIS DEPARTMENT.	12/18/2009	
48	NOTICE - OTHER (RE-NOTICE OF EVIDENTIARY HEARING ON PETITIONER'S MOTION FOR WRIT OF	12/23/2009	THE SIERRA CLUB ON 12/23/2009

	MANDATE) FILED BY THE SIERRA CLUB ON 12/23/2009		
49	MOTION - OTHER (FOR ORDER REQUESTING ADDITIONAL BRIEFING) FILED BY THE SIERRA CLUB ON 12/24/2009	12/24/2009	THE SIERRA CLUB ON 12/24/2009
50	MOTION - OTHER SCHEDULED FOR 02/04/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	12/24/2009	
51	PAYMENT RECEIVED BY FOR 36 - MOTION OR OTHER (NOT 1ST) PAPER REQUIRING A HEARING IN THE AMOUNT OF 40.00, TRANSACTION NUMBER AND RECEIPT NUMBER 10364341.	12/24/2009	
52	DECLARATION - OTHER (OF AMANDA KOCHAN EK DE RECINOS IN SUPPORT OF MOTION) FILED BY THE SIERRA CLUB ON 12/24/2009	12/24/2009	THE SIERRA CLUB ON 12/24/2009
53	DECLARATION - OTHER (OF BRUCE JOFFE IN SUPPORT OF MOTION) FILED BY THE SIERRA CLUB ON 12/24/2009	12/24/2009	THE SIERRA CLUB ON 12/24/2009
54	DECLARATION - OTHER (OF DEAN WALLRAFF IN SUPPORT OF MOTION) FILED BY THE SIERRA CLUB ON 12/24/2009	12/24/2009	THE SIERRA CLUB ON 12/24/2009
55	MINUTE ORDER DATED 12/14/2009 CORRECTED NUNC PRO TUNC.	12/28/2009	
56	MINUTES FINALIZED FOR NUNC PRO TUNC MINUTES 12/28/2009 02:25:00 PM.	12/28/2009	
60	MINUTES FINALIZED FOR 12/18/2009 11:24:00 AM.	12/28/2009	
61	NOTICE - OTHER (OF ERRATA) FILED BY THE SIERRA CLUB ON 12/29/2009	12/29/2009	THE SIERRA CLUB ON 12/29/2009
62	PAYMENT RECEIVED BY FOR FACSIMILE FILING PER PAGE IN THE AMOUNT OF 3.00, TRANSACTION NUMBER AND RECEIPT NUMBER 10367512.	12/30/2009	
65	STIPULATION AND ORDER (TO CONTINUE HEARING ON APPLICATION) FILED BY COUNTY OF ORANGE ON 01/07/2010	01/07/2010	COUNTY OF ORANGE ON 01/07/2010
63	EX PARTE RESCHEDULED FOR 02/04/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	01/08/2010	
64	EX PARTE SCHEDULED FOR 02/04/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	01/08/2010	
66	OPPOSITION FILED BY COUNTY OF ORANGE ON 01/13/2010	01/13/2010	COUNTY OF ORANGE ON 01/13/2010
67	DECLARATION IN SUPPORT (AND EXHIBITS, COMPENDIUM OF) FILED BY COUNTY OF ORANGE ON 01/13/2010	01/13/2010	COUNTY OF ORANGE ON 01/13/2010
68	NOTICE - OTHER (OF ERRATA) FILED BY COUNTY OF ORANGE ON 01/19/2010	01/19/2010	COUNTY OF ORANGE ON 01/19/2010
69	NOTICE - OTHER (OF ERRATA) FILED BY THE SIERRA CLUB ON 01/27/2010	01/27/2010	THE SIERRA CLUB ON 01/27/2010
70	NOTICE - OTHER (OF ERRATA) FILED BY THE SIERRA CLUB ON 01/27/2010	01/27/2010	THE SIERRA CLUB ON 01/27/2010
71	REPLY TO OPPOSITION FILED BY THE SIERRA CLUB ON 01/27/2010	01/27/2010	THE SIERRA CLUB ON 01/27/2010
72	REQUEST FOR JUDICIAL NOTICE FILED BY THE SIERRA CLUB ON 01/27/2010	01/27/2010	THE SIERRA CLUB ON 01/27/2010

73	PROOF OF PERSONAL SERVICE FILED BY THE SIERRA CLUB ON 01/28/2010	01/28/2010	THE SIERRA CLUB ON 01/28/2010
74	MOTION - OTHER RESCHEDULED FOR 03/25/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	02/04/2010	
75	MOTION - OTHER SCHEDULED FOR 03/25/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	02/04/2010	
76	EX PARTE RESCHEDULED FOR 03/25/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	02/04/2010	
77	EX PARTE SCHEDULED FOR 03/25/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	02/04/2010	
78	MOTION - OTHER CONTINUED TO 03/25/2010 AT 01:30 PM IN THIS DEPARTMENT.	02/04/2010	
79	EX PARTE CONTINUED TO 03/25/2010 AT 01:30 PM IN THIS DEPARTMENT.	02/04/2010	
80	MINUTES FINALIZED FOR MOTION - OTHER 02/04/2010 01:30:00 PM.	02/05/2010	
135	DECLARATION - OTHER (OF THERESA LABRIOLA IN OPPOSITION TO RESPONDENT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE) FILED BY THE SIERRA CLUB ON 02/19/2010	02/19/2010	THE SIERRA CLUB ON 02/19/2010
136	OPPOSITION (TO RESPONDENT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE) FILED BY THE SIERRA CLUB ON 02/19/2010	02/19/2010	THE SIERRA CLUB ON 02/19/2010
137	DOCUMENT - OTHER (JOINT WITNESS LIST) FILED BY COUNTY OF ORANGE ON 02/19/2010	02/19/2010	COUNTY OF ORANGE ON 02/19/2010
138	TRIAL BRIEF (RESPONDENT'S) FILED BY COUNTY OF ORANGE ON 02/19/2010	02/19/2010	COUNTY OF ORANGE ON 02/19/2010
139	PROOF OF SERVICE FILED BY COUNTY OF ORANGE ON 02/19/2010	02/19/2010	COUNTY OF ORANGE ON 02/19/2010
140	MOTION IN LIMINE (TO EXCLUDE EVIDENCE THAT THE RECORDS IT PRODUCED MIGHT BE MISSING INFORMATION REQUESTED BY THE SIERRA CLUB) FILED BY COUNTY OF ORANGE ON 02/19/2010	02/19/2010	COUNTY OF ORANGE ON 02/19/2010
141	DOCUMENT - OTHER (STIPULATED FACTS) FILED BY COUNTY OF ORANGE ON 02/19/2010	02/19/2010	COUNTY OF ORANGE ON 02/19/2010
81	MOTION FOR WRIT OF MANDATE TRAILED TO 03/08/2010 AT 09:00 AM IN C18.	02/22/2010	
82	MINUTES FINALIZED FOR MOTION - OTHER 02/22/2010 09:00:00 AM.	02/23/2010	
83	EX PARTE APPLICATION - OTHER (APPLICATION TO CONTINUE HEARINGS) FILED BY THE SIERRA CLUB ON 02/23/2010	02/23/2010	THE SIERRA CLUB ON 02/23/2010
96	ORDER - OTHER (PROOF OF SERVICE ON EX PARTY APPLICATION) FILED BY THE SIERRA CLUB ON 02/23/2010	02/23/2010	THE SIERRA CLUB ON 02/23/2010
84	EX PARTE SCHEDULED FOR 02/24/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	02/24/2010	
86	MOTION - OTHER RESCHEDULED FOR 03/15/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	02/24/2010	

87	MOTION - OTHER SCHEDULED FOR 03/15/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	02/24/2010	
88	MOTION - OTHER RESCHEDULED FOR 03/15/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	02/24/2010	
89	MOTION - OTHER SCHEDULED FOR 03/15/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	02/24/2010	
91	MOTION - OTHER CONTINUED TO 03/15/2010 AT 09:00 AM IN THIS DEPARTMENT.	02/24/2010	
92	MOTION - OTHER CONTINUED TO 03/15/2010 AT 09:00 AM IN THIS DEPARTMENT.	02/24/2010	
85	PAYMENT RECEIVED BY FOR FACSIMILE FILING PER PAGE IN THE AMOUNT OF 11.00, TRANSACTION NUMBER AND RECEIPT NUMBER 10404514.	02/25/2010	
94	MINUTES FINALIZED FOR EX PARTE 02/24/2010 01:30:00 PM.	02/26/2010	
95	PAYMENT RECEIVED BY FOR 36 - MOTION OR OTHER (NOT 1ST) PAPER REQUIRING A HEARING, FACSIMILE FILING PER PAGE IN THE AMOUNT OF 53.00, TRANSACTION NUMBER AND RECEIPT NUMBER 10405941.	02/26/2010	
108	NOTICE OF HEARING (EVIDENTIARY) FILED BY THE SIERRA CLUB ON 02/26/2010	02/26/2010	THE SIERRA CLUB ON 02/26/2010
142	EXHIBIT LIST (AMENDED) FILED BY COUNTY OF ORANGE ON 03/12/2010	03/12/2010	COUNTY OF ORANGE ON 03/12/2010
97	MOTION FOR WRIT OF MANDATE TRAILED TO 03/16/2010 AT 09:00 AM IN C18.	03/15/2010	
98	MINUTES FINALIZED FOR MOTION - OTHER 03/15/2010 09:00:00 AM.	03/15/2010	
99	WRIT OF MANDATE TRAILED TO 03/19/2010 AT 01:30 PM IN C18.	03/16/2010	
100	MINUTES FINALIZED FOR MOTION - OTHER 03/16/2010 09:00:00 AM.	03/16/2010	
101	MISCELLANEOUS HEARING SCHEDULED FOR 03/18/2010 AT 02:15:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	03/18/2010	
102	MOTION - OTHER RESCHEDULED FOR 03/23/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	03/18/2010	
103	MOTION - OTHER SCHEDULED FOR 03/23/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	03/18/2010	
104	MOTION - OTHER CONTINUED TO 03/23/2010 AT 09:00 AM IN THIS DEPARTMENT.	03/18/2010	
105	MINUTES FINALIZED FOR MISCELLANEOUS HEARING 03/18/2010 02:15:00 PM.	03/18/2010	
106	WRIT OF MANDATE TRAILED TO 04/12/2010 AT 09:00 AM IN C18.	03/23/2010	
107	MINUTES FINALIZED FOR MOTION - OTHER 03/23/2010 09:00:00 AM.	03/23/2010	
122	NOTICE - OTHER (RE-NOTICE OF EVIDENTIARY HEARING) FILED BY THE SIERRA CLUB ON 03/29/2010	03/29/2010	THE SIERRA CLUB ON 03/29/2010
109	EXHIBIT LIST (AMENDED) FILED BY COUNTY OF ORANGE ON 04/08/2010	04/08/2010	COUNTY OF ORANGE ON 04/08/2010

158	NOTICE - OTHER (TO COUNSEL RE: REPORTER PER DIEM AND JURY FEES) FILED BY COUNTY OF ORANGE; THE SIERRA CLUB ON 04/12/2010	04/12/2010	COUNTY OF ORANGE; THE SIERRA CLUB ON 04/12/2010
110	MOTION - OTHER EXTENDED TO 04/13/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	04/13/2010	
111	MOTION - OTHER SCHEDULED FOR 04/13/2010 AT 09:00:00 AM IN C18 AT CENTRAL JUSTICE CENTER.	04/13/2010	
112	COURT IS ADJOURNED UNTIL 04/13/2010 AT 09:00 IN C18.	04/13/2010	
113	MINUTES FINALIZED FOR MOTION - OTHER 2010-04-12 09:00:00.0.	04/13/2010	
114	PAYMENT RECEIVED BY FOR 22 - COURT REPORTER PER DIEM FEES - HALF DAY IN THE AMOUNT OF 125.00, TRANSACTION NUMBER AND RECEIPT NUMBER 10437736.	04/13/2010	
115	PAYMENT RECEIVED BY FOR 22 - COURT REPORTER PER DIEM FEES - FULL DAY IN THE AMOUNT OF 125.00, TRANSACTION NUMBER AND RECEIPT NUMBER 10437924.	04/13/2010	
116	PAYMENT RECEIVED BY FOR 22 - COURT REPORTER PER DIEM FEES - FULL DAY IN THE AMOUNT OF 250.00, TRANSACTION NUMBER AND RECEIPT NUMBER 10437926.	04/13/2010	
117	PAYMENT RECEIVED BY FOR 22 - COURT REPORTER PER DIEM FEES - FULL DAY IN THE AMOUNT OF 250.00, TRANSACTION NUMBER AND RECEIPT NUMBER 10438096.	04/13/2010	
118	MOTION - OTHER RESCHEDULED FOR 05/14/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	04/13/2010	
119	MOTION - OTHER SCHEDULED FOR 05/14/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	04/13/2010	
120	MOTION - OTHER CONTINUED TO 05/14/2010 AT 01:30 PM IN THIS DEPARTMENT.	04/13/2010	
121	MINUTES FINALIZED FOR MOTION - OTHER 04/13/2010 09:00:00 AM.	04/13/2010	
157	EXHIBIT LIST FILED BY COUNTY OF ORANGE; THE SIERRA CLUB ON 04/13/2010	04/13/2010	COUNTY OF ORANGE; THE SIERRA CLUB ON 04/13/2010
126	NOTICE - OTHER (OF UNAVAILABILITY OF COUNSSEL) FILED BY THE SIERRA CLUB ON 04/19/2010	04/19/2010	THE SIERRA CLUB ON 04/19/2010
124	NOTICE OF CHANGE OF ADDRESS AND/OR TELEPHONE FILED BY THE SIERRA CLUB ON 04/26/2010	04/26/2010	THE SIERRA CLUB ON 04/26/2010
125	OBJECTION FILED BY COUNTY OF ORANGE ON 04/26/2010	04/26/2010	COUNTY OF ORANGE ON 04/26/2010
127	MOTION - OTHER RESCHEDULED FOR 05/21/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	05/14/2010	
128	MOTION - OTHER SCHEDULED FOR 05/21/2010 AT 01:30:00 PM IN C18 AT CENTRAL JUSTICE CENTER.	05/14/2010	
129	MOTION - OTHER CONTINUED TO 05/21/2010 AT 01:30 PM IN THIS DEPARTMENT.	05/14/2010	

130	MINUTES FINALIZED FOR MOTION - OTHER 2010-05-14 13:30:00.0.	05/17/2010	
132	MINUTES FINALIZED FOR MOTION - OTHER 05/21/2010 01:30:00 PM.	05/21/2010	
156	RECEIPT FOR EXHIBITS FILED BY COUNTY OF ORANGE ON 05/21/2010	05/21/2010	COUNTY OF ORANGE ON 05/21/2010
133	OBJECTION FILED BY THE SIERRA CLUB ON 06/17/2010	06/17/2010	THE SIERRA CLUB ON 06/17/2010
134	PAYMENT RECEIVED BY FOR FACSIMILE FILING PER PAGE IN THE AMOUNT OF 7.00, TRANSACTION NUMBER AND RECEIPT NUMBER 10487236.	06/18/2010	
144	MINUTES FINALIZED FOR CHAMBERS WORK 07/13/2010 01:30:00 PM.	07/13/2010	
145	CLERK'S CERTIFICATE OF SERVICE BY MAIL OC GENERATED	07/13/2010	
155	STATEMENT - OTHER (OF DECISION) FILED BY COUNTY OF ORANGE ON 07/13/2010	07/13/2010	COUNTY OF ORANGE ON 07/13/2010
146	NOTICE OF LODGING FILED BY COUNTY OF ORANGE ON 07/19/2010	07/19/2010	COUNTY OF ORANGE ON 07/19/2010
147	JUDGMENT FILED BY COUNTY OF ORANGE ON 08/03/2010	08/03/2010	COUNTY OF ORANGE ON 08/03/2010
148	THE COURT ENTERS JUDGMENT AS TO PETITION FOR WRIT OF MANDATE.	08/03/2010	
149	PETITION FOR WRIT OF MANDATE DISPOSED WITH DISPOSITION OF COURT FINDING.	08/03/2010	
150	CASE DISPOSED WITH DISPOSITION OF COURT FINDING	08/03/2010	
154	STATEMENT - OTHER (OF DECISION) FILED BY COUNTY OF ORANGE ON 08/03/2010	08/03/2010	COUNTY OF ORANGE ON 08/03/2010
151	NOTICE OF ENTRY OF JUDGMENT FILED BY COUNTY OF ORANGE ON 08/09/2010	08/09/2010	COUNTY OF ORANGE ON 08/09/2010
152	NOTICE - OTHER (ISSUANCE OF STATEMENT OF DECISION) FILED BY COUNTY OF ORANGE ON 08/09/2010	08/09/2010	COUNTY OF ORANGE ON 08/09/2010
159	ORDER G044138	08/30/2010	