

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 01/27/2020

TIME: 02:31:00 PM

DEPT: C-73

JUDICIAL OFFICER PRESIDING: Joel R. Wohlfeil

CLERK: Andrea Taylor

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2017-00045044-CU-TT-CTL** CASE INIT.DATE: 11/27/2017

CASE TITLE: **SAVE CIVITA BECAUSE SUDBERRY WONT vs. City of San Diego [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Toxic Tort/Environmental

EVENT TYPE: Motion Hearing (Civil)

APPEARANCES

The Court, having taken the above-entitled matter under submission on 1/23/2020 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

After entertaining the arguments of counsel and taking the matter under submission, the Court confirms its tentative ruling (ROA # 101) denying the writ of mandate. The tentative ruling now becomes the order of the Court. The discussion that follows is intended to clarify and reinforce the tentative (now confirmed) ruling, but does not supersede it.

Regarding the re-circulation issue, the argument presented by Petitioner made several references to the administrative record that were not contained in Petitioner's briefing. These references are improper and cannot be considered by the Court because Respondent City has not had an opportunity to address or rebut these additional citations. To some extent, these additional references support the City's argument: the re-circulated project EIR contained significant organizational changes such that it would have been confusing, if not futile to attempt to list or "redline" each change. Ultimately, no prejudice was incurred. The public was given ample opportunity to review and comment on the revised project level EIR. The City did not seek to mislead the public to whether it was necessary to review or comment on the revised project level EIR. The administrative record contains evidence supporting the City's good faith understanding that a revised and re-circulated project level EIR would enhance the ability of the public and decision makers to understand and act on the project.

IT IS SO ORDERED.