

**FILED**  
Clerk of the Superior Court

MAY 24 2024

By: T. Crandall, Deputy

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO – CENTRAL DIVISION

NATURAL RESOURCES DEFENSE  
COUNCIL, INC., SAN PEDRO AND  
PENINSULA HOMEOWNERS  
COALITION, SAN PEDRO PENINSULA  
HOMEOWNERS UNITED, INC., EAST  
YARD COMMUNITIES FOR  
ENVIRONMENTAL JUSTICE, and  
COALITION FOR CLEAN AIR, INC., non-  
profit corporations

Petitioners/Plaintiffs,

v.

CITY OF LOS ANGELES, PORT OF LOS  
ANGELES, and LOS ANGELES BOARD OF  
HARBOR COMMISSIONERS, public  
entities

Respondents/Defendants.

Case No. 37-2021-00023385-CU-TT-CTL

Assigned For All Purposes To:  
Hon. Timothy Taylor  
Department: C-72

**PETITIONER SOUTH COAST AQMD'S  
AND INTERVENORS PEOPLE OF THE  
STATE OF CALIFORNIA'S AND  
CALIFORNIA AIR RESOURCES  
BOARD'S [PROPOSED] PEREMPTORY  
WRIT OF MANDATE**

Actions Filed: September 16, 2020  
Trial Date: June 24, 2022

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CHINA SHIPPING (NORTH AMERICA)  
HOLDING CO., LTD, a Delaware  
corporation; CHINA COSCO SHIPPING  
CORPORATION LIMITED, a corporation;  
COSCO SHIPPING (NORTH AMERICA),  
INC., a California corporation; WEST BASIN  
CONTAINER TERMINAL LLC, a Delaware  
corporation; and DOES 1 THROUGH 20,  
inclusive

Real Parties in Interest.

AND CONSOLIDATED CASE.

1                                    **[PROPOSED] PEREMPTORY WRIT OF MANDATE**

2                    TO RESPONDENTS CITY OF LOS ANGELES, LOS ANGELES CITY COUNCIL,  
3                    PORT OF LOS ANGELES, CITY OF LOS ANGELES HARBOR DEPARTMENT, and LOS  
4                    ANGELES BOARD OF HARBOR COMMISSIONERS (collectively "Respondents"):

5                    Judgment having been entered in this action in favor of Petitioners and Intervenors  
6                    ordering that a peremptory writ of mandate be issued from this Court,

7                    YOU ARE HEREBY COMMANDED TO:

- 8                    1.        Within 45 days after service of this Writ of Mandate ("Writ"), Respondents shall  
9                                    file and serve an initial return showing that the Respondents have:
- 10                                a.    Entered into and adopted an amendment ("Permit Amendment") to Permit 999  
11                                    (the "Permit") for the Berths 97-109 China Shipping Terminal ("China  
12                                    Shipping Terminal") in the manner required by the City of Los Angeles  
13                                    Charter. The Permit Amendment shall implement and make fully enforceable  
14                                    against the permittee/tenant the mitigation measures in the 2008 Environmental  
15                                    Impact Report for the Berths 97-109 [China Shipping] Container Terminal  
16                                    Project ("2008 EIR"), as modified by the 2019 Supplemental Environmental  
17                                    Impact Report for the Berths 97-109 [China Shipping] Container Terminal  
18                                    Project ("2019 SEIR"), the Ruling on the Merits issued by the Court on June  
19                                    27, 2022 ("Ruling"), and the Opinion of the Court of Appeal, Fourth Appellate  
20                                    District, Division One issued on December 29, 2023 ("Opinion") (collectively,  
21                                    "Mitigation Measures and Lease Measures"), specifically identified as:
- 22    i.    2008 EIR MM AQ-9, Alternative Marine Power;  
23    ii.    2008 EIR MM AQ-10, Vessel Speed Reduction Program;  
24    iii.    2008 EIR MM AQ-17 as it applies to a 1-year electric yard tractor  
25    pilot project; and  
26    iv.    All measures identified in the 2008 EIR Mitigation Monitoring and  
27    Reporting Program, listed at pages 6528–6597 of the administrative  
28    record in this action, as modified by the 2019 SEIR Mitigation

1 Monitoring and Reporting Program, listed at pages 10528–10536 of  
2 the administrative record in this action, except the measures  
3 described in subsections i–iii above (which have been reinstated by  
4 the Ruling and Opinion), or measures that Respondents can prove  
5 are fully completed and thus moot (e.g., construction that has been  
6 completed).

7 b. Set aside certification of the 2019 SEIR, as well as the related project  
8 approvals referred to on pages 8–25 of the administrative record in this action.

9 2. Within 18 months after service of the Writ, Respondents shall file and serve an  
10 additional return to the Court showing that the Respondents have prepared and  
11 certified, consistent with the procedures and substantive requirements set forth in  
12 CEQA, a new environmental review document for the operation of the China  
13 Shipping Terminal that supplements and/or revises the analysis in the 2019 SEIR  
14 in accordance with the Opinion and Ruling.

15 a. The revised environmental review document shall include re-evaluation and  
16 revision of, at a minimum, the following issues from the 2019 SEIR:

- 17 i. LM GHG-1, GHG Credit Fund;  
18 ii. MM AQ-9, Alternative Marine Power; and  
19 iii. The 2019 SEIR Emissions Impact Analysis.

20 b. For clarity, the revised environmental review document shall list all Mitigation  
21 Measures and Lease Measures that apply to the project at the China Shipping  
22 Terminal, including those that derive from the 2008 EIR, the 2019 SEIR, and  
23 those developed in the new environmental review document.

24 c. Respondents shall timely ensure that, as required by CEQA, any adopted  
25 Mitigation Measures in the revised environmental review document are fully  
26 enforceable through permit conditions, agreements, or other legally binding  
27 instruments.

28 3. Within 7 years after service of the Writ, or whenever the cargo-handling measures

1 in the 2019 SEIR (MM AQ-15, MM AQ-16, and MM AQ-17) are fully  
2 implemented, whichever occurs first, Respondents shall file a final return showing  
3 that all Mitigation Measures and Lease Measures have been implemented, or  
4 explain why any remaining measures have not yet been implemented.

5 4. Within 60 days of service of the Writ and continuing every six months until the  
6 final return, Respondents shall file reports with the Court detailing the status of the  
7 implementation of all Mitigation Measures and Lease Measures in the Permit.

8 a. In addition to filing the status reports with the Court, Respondents shall serve  
9 the reports on all parties and also simultaneously post them online at the Port  
10 of Los Angeles website: <https://www.portoflosangeles.org/>.

11 b. The status reports shall be signed under penalty of perjury by the appropriate  
12 officials/representatives on behalf of Respondents and Real Parties. The  
13 reports shall include 1) a list of all Mitigation Measures and Lease Measures in  
14 the Permit and the Permit Amendment, 2) a detailed explanation of the status  
15 of implementation of those measures, and 3) supporting evidence proving  
16 progress towards implementation (e.g., logs, purchase orders, invoices,  
17 photographs, etc.). If any Mitigation Measure or Lease Measure is not being  
18 fully implemented as required by the Permit or Permit Amendment,  
19 Respondents must explain why and describe the actions being taken to reach  
20 compliance with the Permit or Permit Amendment.

21 c. Petitioners and Intervenors may file and serve on all parties a response to  
22 Respondents' status reports within 60 days of the reports being filed with the  
23 Court. Respondents shall also provide Petitioners and Intervenors access, after  
24 reasonable notice, to the China Shipping Terminal to inspect Mitigation  
25 Measure and Lease Measure implementation progress. Petitioners and  
26 Intervenors may move to enforce the Judgment and the Writ against  
27 Respondents should Respondents fail to comply with their terms.

28 5. Respondents shall ensure that any future determinations, findings, and decisions to

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approve a project at the China Shipping Terminal fully comply with CEQA,  
including by ensuring that any adopted mitigation measures are fully enforceable  
through permit conditions, agreements, or other legally binding instrument.

This Court expressly retains jurisdiction over this matter to make such further orders as  
may be necessary and appropriate to ensure Respondents' and Real Parties' full compliance with  
CEQA.

ATTEST my hand and the seal of this Court, this 24 day of May 2024.



SAN DIEGO COUNTY SUPERIOR COURT CLERK

By: Heandee T. Crandall

**PROOF OF SERVICE**

*Natural Resources Defense Council, Inc., et al. v. City of Los Angeles, et al.*  
*San Diego County Superior Court Case No. 37-2021-00023385-CU-TT-CTL*

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 21865 Copley Drive, Diamond Bar, CA 91765.

On **May 31, 2024**, I served the within document(s) described as **PEREMPTORY WRIT OF MANDATE** on the interested parties in this action as stated below:

Hydee Feldstein Soto Steven Y. Otera Justin M. Houterman John T. Driscoll OFFICE OF THE CITY ATTORNEY OF LOS ANGELES 425 S. Palos Verdes St. San Pedro, CA 90731 Telephone: (310) 732-3750 Facsimile: (310) 831-9778 Emails: <a href="mailto:hydee.feldsteinsoto@lacity.org">hydee.feldsteinsoto@lacity.org</a> ; <a href="mailto:sotera@portla.org">sotera@portla.org</a> ; <a href="mailto:jhouterman@portla.org">jhouterman@portla.org</a> ; <a href="mailto:jdriscoll@portla.org">jdriscoll@portla.org</a>	Amrit S. Kulkarni Cyndee Saucedo Shaye Diveley Julia Bond Teresa Stephens MEYERS, NAVE, RIBACK, SILVER & WILSON 707 Wilshire Blvd., 24 <sup>th</sup> Flr. Los Angeles, CA 90017 Telephone: (213) 626-2906 Facsimile: (213) 626-0215 Emails: <a href="mailto:akulkarni@meyersnave.com">akulkarni@meyersnave.com</a> ; <a href="mailto:csauceda@meyersnave.com">csauceda@meyersnave.com</a> ; <a href="mailto:sdiveley@meyersnave.com">sdiveley@meyersnave.com</a> ; <a href="mailto:jbond@meyersnave.com">jbond@meyersnave.com</a> ; <a href="mailto:tstephens@meyersnave.com">tstephens@meyersnave.com</a>
<i>Attorneys for Petitioners/Plaintiffs</i> <i>Natural Resources Defense Council, Inc.; San Pedro and Peninsula Homeowners Coalition; San Pedro Peninsula Homeowners United, Inc.; East Yard Communities for Environmental Justice; and Coalition for Clean Air, Inc.</i>	

☒ (BY PERSONAL SERVICE) I caused to be delivered a true copy of the foregoing document(s) in a sealed envelope by hand to the offices of the above listed addressee(s).

[SEE ATTACHED SERVICE LIST]

☒ (BY E-MAIL) By transmitting a true .pdf copy of the foregoing document(s) by e-mail transmission from [rmendoza@aqmd.gov](mailto:rmendoza@aqmd.gov) to each interested party at the e-mail address(es) set forth on the attached service list. Said transmission(s) were completed on the aforesaid date at the time stated on declarant's e-mail transmission record.

Executed on May 31, 2024, at Chino Hills, California.

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

Rachel Mendoza  
(Type or print name)

*Rachel Mendoza*  
(Signature)

**SERVICE LIST**

1 2 3 4 5 6 7 8 9 10 11	David Pettit Melissa Lin Perrella NATURAL RESOURCES DEFENSE COUNCIL, INC. 1314 Second St. Santa Monica, CA 90401 Telephone: (310) 434-2300 Emails: <a href="mailto:dpettit@nrdc.org">dpettit@nrdc.org</a> ; <a href="mailto:mmlinperrella@nrdc.org">mmlinperrella@nrdc.org</a>  Jaclyn Prange Margaret Hsieh NATURAL RESOURCES DEFENSE COUNCIL, INC. 111 Sutter St., FL 21 San Francisco, CA 94104 Telephone: (405) 875-6110 Emails: <a href="mailto:jprange@nrdc.org">jprange@nrdc.org</a> ; <a href="mailto:mhsieh@nrdc.org">mhsieh@nrdc.org</a>	<i>Attorneys for Petitioners/Plaintiffs Natural Resources Defense Council, Inc.; San Pedro and Peninsula Homeowners Coalition; San Pedro Peninsula Homeowners United, Inc.; East Yard Communities for Environmental Justice; and Coalition for Clean Air, Inc.</i>
12 13 14 15 16 17	Dennis Ehling Erica Graves Matthew Thomas BLANK ROME LLP 2029 Century Park E., 6 <sup>th</sup> Flr. Los Angeles, CA 90067 Telephone: (424) 239-3400 Emails: <a href="mailto:ehling@blankrome.com">ehling@blankrome.com</a> ; <a href="mailto:erica.graves@blankrome.com">erica.graves@blankrome.com</a> ; <a href="mailto:matthew.thomas@blankrome.com">matthew.thomas@blankrome.com</a>	<i>Attorneys for Real Parties in Interest China Cosco Shipping Corporation Limited; Cosco Shipping (North America), Inc.; China Shipping (North America) Holding Co. Ltd.</i>
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