

FILED
Clerk of the Superior Court

MAY 24 2024

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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 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

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

- 4. Within 60 days of service of the Writ and continuing every six months until the final return, Respondents shall file reports with the Court detailing the status of the implementation of all Mitigation Measures and Lease Measures in the Permit.
 - a. In addition to filing the status reports with the Court, Respondents shall serve the reports on all parties and also simultaneously post them online at the Port of Los Angeles website: <https://www.portoflosangeles.org/>.
 - b. The status reports shall be signed under penalty of perjury by the appropriate officials/representatives on behalf of Respondents and Real Parties. The reports shall include 1) a list of all Mitigation Measures and Lease Measures in the Permit and the Permit Amendment, 2) a detailed explanation of the status of implementation of those measures, and 3) supporting evidence proving progress towards implementation (e.g., logs, purchase orders, invoices, photographs, etc.). If any Mitigation Measure or Lease Measure is not being fully implemented as required by the Permit or Permit Amendment, Respondents must explain why and describe the actions being taken to reach compliance with the Permit or Permit Amendment.
 - c. Petitioners and Intervenors may file and serve on all parties a response to Respondents' status reports within 60 days of the reports being filed with the Court. Respondents shall also provide Petitioners and Intervenors access, after reasonable notice, to the China Shipping Terminal to inspect Mitigation Measure and Lease Measure implementation progress. Petitioners and Intervenors may move to enforce the Judgment and the Writ against Respondents should Respondents fail to comply with their terms.
- 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: Heandall T. Crandall

1 **PROOF OF SERVICE**

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

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
5 and not a party to the within action. My business address is 21865 Copley Drive, Diamond Bar, CA
6 91765.

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

<p>9 Hydee Feldstein Soto 10 Steven Y. Otera 11 Justin M. Houterman 12 John T. Driscoll 13 OFFICE OF THE CITY ATTORNEY 14 OF LOS ANGELES 15 425 S. Palos Verdes St. 16 San Pedro, CA 90731 17 Telephone: (310) 732-3750 18 Facsimile: (310) 831-9778 19 Emails: hydee.feldsteinsoto@lacity.org; 20 sotera@portla.org; jhouterman@portla.org; 21 jdriscoll@portla.org</p>	<p>Amrit S. Kulkarni Cyndee Saucedo Shaye Diveley Julia Bond Teresa Stephens MEYERS, NAVE, RIBACK, SILVER & WILSON 707 Wilshire Blvd., 24th Flr. Los Angeles, CA 90017 Telephone: (213) 626-2906 Facsimile: (213) 626-0215 Emails: akulkarni@meyersnave.com; csauceda@meyersnave.com; sdiveley@meyersnave.com; jbond@meyersnave.com; tstephens@meyersnave.com</p>
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22 *Attorneys for Petitioners/Plaintiffs*
23 *Natural Resources Defense Council, Inc.; San Pedro and Peninsula Homeowners Coalition; San*
24 *Pedro Peninsula Homeowners United, Inc.; East Yard Communities for Environmental Justice;*
25 *and Coalition for Clean Air, Inc.*

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

28 [SEE ATTACHED SERVICE LIST]

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

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

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

36 _____
37 Rachel Mendoza (Type or print name) Rachel Mendoza (Signature)

38 **SERVICE LIST**

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