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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – CENTRAL DISTRICT**

**FRIENDS OF SAN DIEGO, INC., a
California non-profit corporation,**
Petitioner,

v.
**CITY OF SAN DIEGO, a public entity;
and DOES ONE through FIVE, inclusive,**
Respondent,

**LA JOLLA PACIFIC DEVELOPMENT
GROUP, INC., a registered California
Corporation; 301 UNIVERSITY, LLC, a
registered California Limited Liability
Company; and DOES SIX through
TWENTY, inclusive,**
Real Parties in Interest.

Case No.: GIC 874140
[action filed: October 17, 2006]

~~PROPOSED~~
Amended
**PEREMPTORY WRIT OF
MANDAMUS**

Trial Date: August 23, 2007
Dept.: 74
I/C Judge: Hon. Linda B. Quinn

Judgment having been entered in this proceeding ordering that a peremptory writ of mandamus be issued from this Court as follows.

IT IS ORDERED THAT, immediately following and within the time frame set forth in this writ, respondent City of San Diego (Respondent) shall:

Set aside and vacate its September 12, 2006 adoption of its Project No. 11896 including the approval and issuance of a Final Mitigated Negative

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Declaration, Tentative Map No. 323359, abandonment of the public right-of-way via Public Right-of-Way No. 323355, Site Development permit, and Mid-City Communities Planned District Ordinance permit, as referenced and set forth in City Council Resolution Nos. R-301900, R-301902, and R-301903 (collectively, "Project Approvals"), as set forth in the Ruling and Decision and Judgment rendered by this Court.

Having found in petitioner Friends of San Diego, Inc.'s (Petitioner) favor, the Court finds the following action is necessary under Public Resources Code § 21168.9(b) to comply with the provisions of CEQA and take those actions necessary to bring the analyses of the previously made Project Approvals into compliance with CEQA pursuant to this Court's Ruling and Decision. Under Public Resources Code § 21168.9(c), this Court does not direct Respondent to exercise its lawful discretion in any particular way.

This Court will retain jurisdiction over Respondent's proceeding by way of requiring a return to this peremptory writ of mandamus until this court has determined that Respondent has complied with the provisions of this writ.

IT IS FURTHER COMMANDED that Respondent City of San Diego must make and file a return to this writ of mandamus on or before [November 1, 2007] or [_____, 2007], setting forth what Respondent has done to comply.

Michael Roddy, Clerk

[seal]

By MJ Banham, Deputy Clerk

M. J. DARHAM

LET THE FOREGOING WRIT ISSUE.

Dated: 9-13-07

By Linda B Quinn
JUDGE OF THE SUPERIOR COURT
JUDGE LINDA B. QUINN

COPY

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07 SEP 18 PM 12:17
CLERK SUPERIOR COURT
SAN DIEGO COUNTY, CA

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8 **FRIENDS OF SAN DIEGO, INC.**

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN DIEGO – CENTRAL DISTRICT**

11 **FRIENDS OF SAN DIEGO, INC., a**
12 **California non-profit corporation,**

13 *Plaintiff,*

14 v.

15 **CITY OF SAN DIEGO, a public entity;**
16 **and DOES ONE through FIVE, inclusive,**

17 *Defendant.*

18 **LA JOLLA PACIFIC DEVELOPMENT**
19 **GROUP, INC., a registered California**
20 **Corporation; 301 UNIVERSITY, LLC, a**
21 **registered California Limited Liability**
22 **Company; and DOES SIX through**
23 **TWENTY, inclusive,**

24 *Real Parties in Interest.*

Case No.: **GIC 874140**

[action filed: October 17, 2006]

NOTICE OF ENTRY OF JUDGMENT

Final Hearing: August 23, 2007
Dept.: 74
I/C Judge: Hon. Linda B. Quinn


25 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD, IF ANY, HEREBY**
26 **TAKE NOTICE THAT** on September 13, 2007 the Superior Court in the above-captioned case
27 signed and entered an *Amended Judgment Granting Peremptory Writ of Mandamus*. A copy of
28

1 said final signed and conformed amended Judgment is attached hereto as Exhibit A.

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Dated: September 13, 2007

LAW OFFICE OF CRAIG A. SHERMAN



CRAIG A. SHERMAN
Attorney for Plaintiff
FRIENDS OF SAN DIEGO, INC.

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F I L E D

Clerk of the Superior Court

SEP 13 2007

By. M. BARHAM, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – CENTRAL DISTRICT**

**FRIENDS OF SAN DIEGO, INC., a
California non-profit corporation,**

Petitioner,

v.

**CITY OF SAN DIEGO, a public entity;
and DOES ONE through FIVE, inclusive,**

Respondent,

**LA JOLLA PACIFIC DEVELOPMENT
GROUP, INC., a registered California
Corporation; 301 UNIVERSITY, LLC, a
registered California Limited Liability
Company; and DOES SIX through
TWENTY, inclusive,**

Real Parties in Interest.

Case No.: GIC 874140

[action filed: October 17, 2006]

[PROPOSED]

Amended
**JUDGMENT GRANTING
PETITION FOR WRIT OF MANDAMUS**

Trial Date: August 23, 2007

Dept.: 74

I/C Judge: Hon. Linda B. Quinn

The above-captioned matter came on regularly for hearing before the Honorable Linda B. Quinn, Judge of the Superior Court, on August 23, 2007 in Department 74 of this Superior Court located at 330 West Broadway, San Diego, California, based on the First Amended Petition for Writ of Mandate filed on January 17, 2007 by petitioner Friends of San Diego, Inc..

1 Attorney Craig A. Sherman appeared on behalf of petitioner, attorney Glenn Spitzer
2 appeared on behalf of respondent City of San Diego, and attorney Jeffrey R. Patterson appeared
3 on behalf of Real Parties in Interest La Jolla Pacific Development Group, Inc. and 301
4 University, LLC.

5 The Court having reviewed the administrative record of Respondent's proceedings in this
6 matter, the briefs and lodgments submitted by counsel, and after hearing the arguments of
7 counsel, the Court having issued and confirmed its August 20, 2007 Tentative Ruling (hereafter,
8 "Ruling and Decision") that Respondent failed to comply with certain requirements of the San
9 Diego Municipal Code, California Government Code, and California Environmental Quality Act
10 (CEQA)(Cal. Public Resources Code, § 21000 et seq.) as stated in the Ruling and Decision, the
11 Court rules that a judgment be entered in favor of petitioner Friends of San Diego, Inc. and
12 against respondent City of San Diego and against real parties La Jolla Pacific Development
13 Group, Inc. and 301 University, LLC, as follows:

14 IT IS ORDERED that:

- 15 1) Judgment be entered on the petition for writ of mandate in favor of petitioner
16 Friends of San Diego, Inc. in this proceeding;
- 17 2) A *Peremptory Writ of Mandamus* be directed to respondent City of San Diego,
18 issued under the seal of this Court, ordering said Respondent to vacate its September 12,
19 2006 approval and adoption of its Project No. 11896 including the approval and issuance of
20 a Final Mitigated Negative Declaration, Tentative Map No. 323359, abandonment of the
21 public right-of-way via Public Right-of-Way No. 323355, Site Development permit, and
22 Mid-City Communities Planned District Ordinance permit, as referenced and set forth in
23 City Council Resolution Nos. R-301900, R-301902, and R-301903 (collectively, "Project
24 Approvals");
- 25 3) Petitioner Friends of San Diego, Inc. shall be awarded its statutory litigation
26 costs and reasonable attorneys' fees and costs of suit (to be determined and fixed by way of
27 post-trial filing, order, or other stipulation of the parties) in a total collective amount of
28 \$ _____, against and payable, jointly and severally, by respondent City of San
Diego, and/or real parties in interest La Jolla Pacific Development Group, Inc. and 301
University, LLC; and

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4) The Court will retain jurisdiction to determine entitlement to reasonable attorneys' fees, reasonable costs of suit, and reservation of jurisdiction over compliance and return of the writ.

IT IS SO ORDERED.

Dated: SEP 13 2007

By: JUDGE LINDA B. QUINN
HON. LINDA B. QUINN