FRIENDS OF THE SANTA CLARA RIVER v. COUNTY OF LOS ANGELES

S226749

Supreme Court of California

May 29, 2015

Reporter
2015 CA S. Ct. Briefs LEXIS 1100

FRIENDS OF THE SANTA CLARA RIVER, et al., Plaintiffs and Appellants, v. COUNTY OF LOS ANGELES, et al., Defendants and Respondents, THE NEWHALL LAND AND FARMING COMPANY, Real Party in Interest and Respondent.

Type: Petition for Appeal

Prior History: Court of Appeal Case No. B256125. Super. Court Case No. BS136549. [Hon. John A. Torribio, Judge Presiding]. After a decision by the Court of Appeal Second Appellate District, Division Five.

Counsel

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Title

Petition for Review

Text

:TO THE HONORABLE TANI GORRE CANTIL-SAKAUYE, CHIEF JUSTICE OF THE SUPREME COURT OF CALIFORNIA, AND THE HONORABLE ASSOCIATE JUSTICES

Petitioners Friends of the Santa Clara River, Center for Biological Diversity, Santa Clarita Organization for Planning the Environment, and Wishtoyo Foundation/Ventura Coastkeeper respectfully petition for review of the opinion of the Court of Appeal, Second Appellate District, Division Five, filed April 21, 2015, in the matter captioned ″*Friends of the Santa Clara River v. County of Los Angeles*,″ Court of Appeal case number B256125. The opinion of the Court of Appeal became final on May 21, 2015. Thus, this petition is timely under California Rule of Court 8.500, subdivision (e)(1). A copy of the opinion of the Court of Appeal is attached as Exhibit A. **[*2]**

ISSUE PRESENTED FOR REVIEW

May an agency deviate from the California Environmental Quality Act's (″CEQA″) existing conditions baseline and instead determine the significance of a project's greenhouse gas emissions by reference to a hypothetical higher ″business as usual″ baseline?

WHY REVIEW SHOULD BE GRANTED

The issue presented here is identical to one of the issues presented in *Center for Biological Diversity v. California Department of Fish and Wildlife* (Case No. S217763), which this Court accepted for review on July 9, 2014. In addition,

the specific project challenged here is the first phase of the larger development project at issue in *Center for Biological Diversity*. Petitioners request that the Court grant review and hold this case under California Rule of Court 8.512, subdivision (d)(2), until the Court has decided *Center for Biological Diversity*.

The case also warrants review in its own right. Under California Rule of Court 8.500(b), Supreme Court review is appropriate '[w]hen necessary to secure uniformity of decision or to settle an important question of law." This case meets both criteria.

Recent Court of Appeal decisions regarding CEQA **[*3]** analysis of greenhouse gas emissions are causing confusion for agencies and project proponents. Some decisions, including the one in this case, conflict with this Court's prior case law that an EIR must evaluate the significance of a project's environmental impacts in relation to actual physical conditions on the ground, as they exist at the time CEQA review commences, rather than as compared to some alternate, hypothetical version of the project. The Court of Appeal opinion here ("Opinion"), just like the similarly unpublished portion of the opinion in *Center for Biological Diversity* addressing this issue, exacerbates and broadens the conflict in the case law. As noted in the petition for review for *Center for Biological Diversity*, CEQA's fundamental goals require an agency to "employ a realistic baseline that will give the public and decision makers the most accurate picture practically possible of the project's likely impacts." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority (2013) 57 Cal.4th 439, 449* ["*Neighbors*"].) The baseline is normally the existing physical conditions in the project area at the time CEQA review commences **[*4]** (*Communities for a Better Environment v. South Coast Air Quality Management District (2010) 48 Cal. 4th 310, 320-21* ["CBE"]; 14 Cal. Code Reg. § 15125(a)), unless the agency has justified a deviation from the norm in "unusual circumstances" where the use of an existing conditions baseline alone would be "uninformative" or "misleading" to the public. (*Neighbors, supra, 57 Cal.4th at pp. 451-52.)* Under no circumstances, however, may an agency assess significance based on a comparison between the proposed project and some other hypothetical version of the project that might conceivably be built under prevailing land use laws or pre-existing permits. (*CBE, supra, 48 Cal.4th at 322 & n.6* [collecting cases].)

However, Los Angeles County ("County") used just such an impermissible comparison in the Environmental Impact Report at issue here. (AR: 11207-8; 11261-11286.) The Landmark Village project, which is the first phase of the Newhall Ranch development challenged in *Center for Biological Diversity*, will result in emissions 38 times greater than existing conditions. (AR:11262.) However, the County did not measure the significance **[*5]** of this increase in relation to existing environmental conditions as directed by this Court's decisions. Rather, the County used an alternate "business as usual" baseline, derived from a hypothetical version of the project based on legally impossible assumptions that it need not comply with the California Global Warming Solutions Act of 2006 (Health and Safety Code section 38500, et seq. [hereafter "AB 32"]) or other laws requiring greenhouse gas reductions. By comparing the proposed project to this much higher-emitting-albeit entirely illusory-"business as usual" version of the project, the County reached the profoundly misleading conclusion that the project's dramatic increase in greenhouse gas emissions is not significant. Thus, although the approved project will result in a *net increase* of nearly 20,000 metric tons of CO[2] each year, the County concluded that these emissions are insignificant because they are more than 30 percent *lower* than the 30,000 tons per year that would be emitted by the hypothetical business as usual project. (AR: 11260-11262.)

Despite this Court's recent baseline decisions holding that an agency should not be allowed to downplay the significance **[*6]** of a project's impacts by comparing the project as actually proposed to an alternative, hypothetical version of the project that would have even greater environmental effects, the Court of Appeal upheld the County's CEQA analysis as adequate. This same greenhouse gas significance analysis was used in the Environmental Impact Report ("EIR") challenged in *Center for Biological Diversity*-currently pending before this Court-and was similarly upheld by the same division of the Court of Appeal.

Review should be granted to "secure uniformity of decision and to settle an important question of law" as to whether a CEQA lead agency may determine the significance of a project's greenhouse gas emissions by reference to a hypothetical "business as usual" baseline. (Cal. Rules of Court, rule 8.500, subd. (b)(1).) Without review, courts will continue to condone agencies use impermissible, hypothetical baselines to avoid full disclosure and adequate analysis of greenhouse gas impacts under CEQA as required by this Court. In light of the shared legal issue in this case and *Center for Biological Diversity*, review should be granted, and briefing held until *Center for Biological Diversity* **[*7]** is decided by this Court.

FACTUAL AND PROCEDURAL BACKGROUND

Newhall Ranch is one of the largest residential developments ever proposed in the state. The Specific Plan for the development covers nearly 12,000 acres, including a six-mile stretch of the Santa Clara River, the largest remaining wild river in Southern California. (AR:9623, 9715.) At buildout, Newhall Ranch would include over 20,000 housing units and add 60,000 residents to a currently unincorporated, undeveloped portion of northwestern Los Angeles County. (AR:9623; 120891.)

Landmark Village is the first-approved phase of the Newhall Ranch Specific Plan. (AR:634; 9623.) The development covers 1,063.4 acres, and will include 1,444 residential units and 1,033,000 square feet of commercial space. (AR:312; 9624.) Newhall Ranch is estimated to contribute 269,000 metric tons of greenhouse gas (″GHG″) emissions every year, with 21,291 metric tons of those emissions coming from Landmark Village. (AR: 11262.)

Petitioners and California Native Plant Society challenged the Department of Fish and Wildlife's approvals for the overall Newhall Ranch development, including the Department's GHG analysis and significance determinations, **[*8]** in *Center for Biological Diversity*, filed in Los Angeles County Superior Court on January 3, 2011. On October 15, 2012, the Honorable Ann I. Jones ruled in *Center for Biological Diversity* that the Department of Fish and Wildlife abused its discretion and violated CEQA by certifying an Environmental Impact Report that failed, among other things, to adequately address greenhouse gases. The Department of Fish and Wildlife and real party in interest Newhall Land and Farming Company (″Newhall″) appealed, and the Court of Appeal issued a ruling reversing the Superior Court decision in full on March 20, 2014. Petitioners, as well as the California Native Plant Society, petitioned for review of *Center for Biological Diversity*, which this Court granted on July 9, 2014. (Case No. S217763.)

On March 22, 2012, Petitioners filed the instant challenge, *Friends of the Santa Clara River, et al., v. County of Los Angeles et al*., (Case No. BS136549) *(″Friends″)*, in Los Angeles County Superior Court. The petition challenged Los Angeles County's approval of Landmark Village and the adequacy of its CEQA analysis, including the EIR's GHG analysis and significance determinations. Although **[*9]** the Landmark Village EIR is separate and distinct from the EIR challenged in *Center for Biological Diversity*, the GHG significance analyses challenged in both cases follow the same approach. Both use a hypothetical version of the project as a baseline when determining the significance of the development's GHG emissions. The Superior Court (Honorable John A. Torribio) ordered *Center for Biological Diversity* and *Friends* related pursuant to California Rules of Court, rule 3.300. [1]

On February 26, 2014, Judge Torribio issued a written decision in favor of the County of Los Angeles and Newhall in *Friends*, holding that the EIR was adequate and **[*10]** had not been prepared in violation of CEQA.

On May 8, 2014, Petitioners appealed the *Friends* Superior Court decision to the Court of Appeal, Second District (Case No. B256125). The appeal was assigned to Division Five, the same division that heard and decided the *Center for Biological Diversity* appeal. The Court of Appeals issued a ruling upholding the *Friends* Superior Court decision in full on April 21, 2015. Petitioners now respectfully ask that this Court grant review of *Friends* and hold briefing until the resolution of *Center for Biological Diversity*.

ARGUMENT

A. The Supreme Court Should Grant this Petition for Review and Hold Any Briefing Pending the Court's Decision in *Center for Biological Diversity*

Both *Center for Biological Diversity* and *Friends* turn upon the validity of CEQA review of the Newhall Ranch development. While the cases involve different permits issued by different agencies, they raise the same legal issue: whether CEQA allows an EIR to use a hypothetical, higher-emitting ″business as usual″ version of the project in determining the significance of a project's GHG emissions.

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[1] A third case, *California Native Plant Society, et al. v. County of Los Angeles*, Los Angeles Superior Court Case No. BS138001, challenging the second phase of the Newhall Ranch development, known as the Mission Village project, is pending before the Second Appellate District, Division Five. All three cases were ordered related by the Superior Court.

The Landmark Village EIR estimated **[*11]** GHG emissions as a percentage of overall Newhall Ranch emissions, using the same baseline and assumptions used by the Department of Fish and Wildlife in *Center for Biological Diversity*. (Case No. S217763; AR: 1120708; 11261-2.) Both EIRs relied on a hypothetical, legally unbuildable version of the project, rather than existing conditions, as the baseline for determining the significance of the project's GHG emissions. Therefore, the issue presented here is identical to one of the issues on which the Court granted review in *Center for Biological Diversity*:

> May an agency deviate from [CEQA's] existing conditions baseline and instead determine the significance of a project's greenhouse gas emissions by reference to a hypothetical higher ″business as usual″ baseline?

(Case No. S217763.) This Court's decision in *Center for Biological Diversity* will necessarily affect and likely resolve the issue in this case.

In order to dispose of cases fairly and efficiently, courts exercise a significant degree of control over litigation. According to the California Supreme Court, ″[i]t is . . . well established that courts have fundamental inherent equity, supervisory, **[*12]** and administrative powers.″ (*Rutherford v. Owens-Illinois, Inc. (1997) 16 Cal.4th 953, 967.)* These powers include the power to stay proceedings in the interest of furthering judicial economy and securing uniformity of decisions. (*Pfizer Inc. v. S.C. Steve(2006) 51 Cal.Rptr.3d 707.)*

The Supreme Court, on granting review, often defers action in a case ″pending consideration and disposition of a related case″ awaiting review. (*Brinkley v. Public Storage (Jan. 14, 2009) S168806, 198 P.3d 1087;* Cal. Rules of Court, rule 8.512, subd. (d)(2); *The Supreme Court of California, Containing the Internal Operating Practice and Procedures of the California Supreme Court*, 2007 Ed., with 2012 Addendum, p. 21.) These rules allow the Supreme Court to ensure uniformity among its and other courts' decisions. (Cal. Rules of Court, rule 8.500, subd. (b)(1); (See, e.g., *Farmers Ins. Exchange v. Super. Ct. (1992) 2 Cal. 4th 377, 381* [emphasizing importance of ″uniform application of the laws.″].) Given the identical nature of the legal issue here and in *Center for Biological Diversity*, this Court should grant review and order **[*13]** briefing in this case deferred until this Court issues its decision in *Center for Biological Diversity*. (Cal. Rules of Court, rule 8.512(d)(2).)

B. Review is Necessary to Secure Uniformity of Decision and to Settle an Important Question of Law

As noted in the petition for review in *Center for Biological Diversity*, recent decisions of this Court address the baseline against which the significance of a project's environmental effects must be measured under CEQA. (*Neighbors, supra, 57 Cal.4th 439;CBE, supra, 48 Cal.4th 310.)* A stark conflict is now developing between these cases and recent Court of Appeal decisions stressing public agency discretion to use consistency with the goals of AB 32 as a ″threshold″ for evaluating the significance of a project's greenhouse gas emissions. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista (2011) 197 Cal.App.4th 327, 336* [″CREED″]; *Friends of Oroville v. City of Oroville (2013) 219 Cal.App.4th 832, 841-42;North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors (2013) 216 Cal.App.4th 614, 652-53.)* **[*14]** The Opinion, like the opinion in *Center for Biological Diversity*, worsens this conflict and should be reversed.

The central facts about the project's GHG emissions are undisputed. Existing emissions from the project site total 553 metric tons of CO[2] per year. (AR:4802.) When the project is fully developed, estimated annual emissions will total 21,291 metric tons of CO[2]-nearly 38 times higher than existing conditions. (AR:4806.) The EIR dismissed this impact as less than significant, however, because emissions would be at least 30 percent below the ″business as usual″ scenario, a hypothetical version of the project that would emit approximately 43 percent more greenhouse gases (30,439 versus 21,291 metric tons annually) than the project. (AR:4805-07.)

This ″business as usual″ comparison is based on projections included in the California Air Resources Board's 2008 ″Scoping Plan″ for AB 32, which articulated California's greenhouse gas reduction goals not only in terms of reductions from present levels, but also in terms of a 29 percent reduction from projected statewide ″business as usual″ GHG emissions through the year 2020. (AR: 139498.) Agencies like the County have **[*15]** cited the Scoping Plan in comparing greenhouse gas emissions from proposed projects to emissions from fictional ″business as usual″ versions of the same project-that is,

purely hypothetical versions of the project that assume the emissions reductions required by AB 32 and other laws will never occur. They have done so despite CEQA's clear requirement that existing physical conditions normally constitute the baseline for significance assessments, and in disregard of warnings from the Resources Agency and Attorney General that hypothetical baselines are improper under CEQA. (14 Cal. Code Reg. § 15064.4(b)(1).)

While the EIR did disclose current GHG emissions from the site, it did not use those emissions as a baseline when determining the significance of the project's emissions. (AR:4806.) Instead of using the existing environmental conditions, the ″business as usual″ scenario used by the EIR is based on what the developer might build if ″no action [were] taken″ to address climate change as required by AB 32 and other law. (*Id*, AR:11208.) The ″business-as-usual″ scenario ″assumes that all new electricity generation will be supplied by natural gas plants, building energy efficiency **[*16]** codes are held at the 2005 Title 24 standards, and vehicle fuel efficiency is not affected by any regulatory action.″ (AR: 11261.) In other words, it imagines a version of the project that could not have been approved based on the energy efficiency standards and vehicle fuel efficiency standards that actually existed at the time of project approval in 2011. (AR: 1124950; 11254.) The County itself described the ″business as usual″ scenario as not an ″allowable condition.″ (AR:54166.)

The Opinion upholds the County's determination that the Landmark Village project's GHG emissions would be less than significant because they would be at least 30 percent lower than emissions from a ″business as usual″ version of the project that could never be built, and thus consistent with the 29 percent below ″business as usual″ goal articulated in the AB 32 Scoping Plan. (Opinion at 27.) This holding, although plainly inconsistent with this Court's baseline cases and numerous older appellate decisions, nonetheless arguably finds support in the overbroad language of *CREED* and *Friends of Oroville*. Review should be granted to resolve the growing conflict between these lines of decision.

i. [*17] *CREED* and *Friends of Oroville* Should Not Continue to Be Interpreted as Sanctioning the Use of Hypothetical ″Business as Usual″ Baselines

The Opinion upholding the EIR's GHG significance analysis is inconsistent with this Court's case law on CEQA's baseline requirements. As noted in the petition for review in *Center for Biological Diversity*, a long line of decisions, culminating in this Court's unanimous opinion in *CBE*, confirms that CEQA requires significance to be determined in relation to physical environmental conditions, not in comparison to other projects that theoretically could be built under existing permits or applicable local land use laws. (*CBE, supra, 48 Cal.4th at pp. 320-21 & fn. 6.)* If anything, the comparison undertaken by the County here was even more egregious because the hypothetical ″business as usual″ project would violate existing law and never could be built.

Reflecting the depth of its misapprehension of governing legal principles, the Opinion declines to view the ″business as usual″ version of the project as illusory or hypothetical, despite the purely conjectural nature of the ″business as usual″ project. (Opinion at 27.) **[*18]** It is well established, however, that the significance of a project's environmental impacts must be assessed in relation to physical environmental conditions, and not by comparison to some other ″conceived″ or ″anticipated″ project that was merely hoped to be built. (See, e.g., *Woodward Park Homeowners Assn., Inc. v. City of Fresno (2007) 150 Cal.App.4th 683, 693, 706-710;City of Carmel-by-the-Sea v. Board of Supervisors (1986) 183 Cal.App.3d 229, 246247;Environmental Planning & Information Council v. County of El Dorado (1982) 131 Cal.App.3d 350, 354, 357-358.)*

Instead of following this Court's guidance on the use of baselines, and that of *Woodward Park, City of Carmel*, and *EPIC*, the Opinion seeks support for its conclusions in *CREED* and *Friends of Oroville*, both of which affirmed agency discretion to choose a threshold of significance for assessment of greenhouse gas emissions based on AB 32. (Opinion at 26-27.) In *CREED*, the city concluded that GHG emissions from an expanded Target store would be less than significant based on a comparison between the proposed project, which included ″implementation of energy **[*19]** saving measures,″ and a hypothetical projected ″business as usual″ version of the store with 29 percent higher emissions. (See *CREED, supra, 197 Cal.App.4th at p. 337.)* Although the court did not directly address whether this ″business as usual″ baseline was permissible, it held that the city had broad discretion to choose a threshold of significance based on AB 32 and rejected petitioners' arguments that the city should have used a more stringent standard of significance based on local climate plans. (See *id. at pp. 336-37.)* In *Friends of Oroville*, involving a challenge to an EIR for expansion of a Walmart store, the court

similarly upheld the city's discretion to choose an AB 32-based significance threshold, citing with approval *CREED*'s comparison between proposed project emissions and hypothetical ″business as usual″ emissions even though the EIR at issue in the case did not turn on such a comparison. (*Friends of Oroville, supra, 219 Cal.App.4th at pp. 841-42.)* [2] The broad language of both cases thus can be read as endorsing otherwise impermissible comparisons to a hypothetical ″business as usual″ project baseline, although **[*20]** neither case explicitly so held. However, to the extent these cases suggest an agency may deploy such a threshold in a way that involves comparing the proposed project to some other hypothetical project, they are inconsistent with *CBE* and the appellate cases approved therein. *(CBE, supra, 48 Cal.4th at 321 & fn. 6.)*
[*21]

Nor is the narrow exception to the general ″existing conditions″ rule recognized in *Neighbors* applicable here. In *Neighbors*, this Court held an agency could use projected future environmental conditions as a baseline, if the agency provided substantial evidence justifying its choice-specifically, evidence showing that using the normal existing conditions baseline would be misleading or uninformative. (*Neighbors, supra, 57 Cal.4th at p. 457.)* Here, the EIR did not use anticipated future environmental *conditions* as a baseline, but rather used a hypothetical ″business as usual″ *project* as the baseline-a deviation from the norm that no reported CEQA decision has ever countenanced.

Any discretion to adopt a threshold otherwise inherent in the statute or Guidelines, moreover, is not absolute, but rather is necessarily cabined by CEQA's requirements. (14 Cal. Code Reg. § 15064.4(a); see *Neighbors, supra, 57 Cal.4th at pp. 456-57* [rejecting dissent's argument that agencies have discretion to choose whatever baseline they want provided projections are reasonable, because such comparisons could conflict with CEQA's informational goals and **[*22]** ″open the door to gamesmanship in the choice of baselines″].) The choice of an accurate baseline is critical to CEQA's fundamental informational goals. *(*Id. at p. 449.) Where a threshold of significance necessarily implicates the choice of a baseline for analysis, discretion to choose that threshold must be exercised in accordance with-not in derogation of-those goals.

ii. This Case and *Center for Biological Diversity* Raise Important Questions on the Role of Baselines in CEQA Significance Analysis of GHG Emissions

Just like *Center for Biological Diversity*, this case involves not the exercise, but the abuse, of agency discretion: undertaking a misleading hypothetical comparison that misrepresents project impacts. Agencies should not be able to disregard other fundamental requirements of CEQA merely by referencing AB 32 in connection with greenhouse gas emissions. The purpose of AB 32 is to *reduce* emissions to 1990 levels by 2020. (Health and Safety Code § 38550.) The 2008 Scoping Plan made clear that achieving this goal will require emissions reductions not only compared to projected ″business as usual,″ but also as compared to existing emission **[*23]** levels. (See *Friends of Oroville, supra, 219 Cal.App.4th at p. 840.)* The CEQA Guidelines similarly state that agencies should consider the significance of emissions increases above existing conditions. (14 Cal. Code Reg. § 15064.4(b)(1).) The normal existing conditions baseline is critically relevant to assessment of greenhouse gas emissions.

Comparisons like the one approved by the Opinion, however, mislead the public and decision makers as to a project's consistency with emission reduction goals. (See *CBE, supra, 48 Cal.4th at p. 322.)* If agencies and courts follow *CREED* and *Friends of Oroville* in the manner of the opinion here, an EIR will be able to claim that a project is consistent with statewide emissions reduction goals simply because it looks somewhat better than some other conceivable higher-emitting project, even if that project could never legally be built, and even if the proposed project would actually increase emissions many times over in relation to existing conditions.

This is not to say AB 32 has no role in significance determinations. As recognized in the Scoping Plan, climate stabilization will require substantial emission **[*24]** reductions by 2020, followed by far steeper reductions at mid-century. The public

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[2] The Court of Appeal also cited *North Coast Rivers Alliance* for the proposition that an agency may permissibly choose a threshold of significance based on AB 32. (Opinion at 26.) *North Coast Rivers Alliance*, however, did not address a comparison between the proposed desalination plant at issue in that case and some hypothetical ″business as usual″ desalination plant; rather, the decision simply approved use of AB 32's 2020 goals for reduction of emissions to 1990 levels (in conjunction with more aggressive local goals) as a significance threshold, and found that the challenged EIR's analysis provided substantial evidence the project would not interfere with AB 32's goals. (North Coast Rivers Alliance, supra, 216 Cal.App.4th at pp. 651-52.)

needs to know whether, and to what extent, proposed projects contribute to or conflict with the reductions required by AB 32. The comparison blessed by the Opinion here, however, can offer only false and misleading comfort. Misinformed and misled, the public and decision makers may allow massive projects to be built, mistakenly believing them to be reducing greenhouse gasses, but in fact causing emissions to rise exactly when the climate stabilization goals of AB 32 demand reductions. CEQA requires that the public and decision-makers be fully informed about these consequences.

Accordingly, review should be granted to ensure that this Court of Appeal and others do not interpret *CREED* and *Friends of Oroville* as authorizing agencies to choose a threshold of significance for assessing greenhouse gas emissions that relies on comparison to an impermissible, fictional ″business as usual″ project baseline.

CONCLUSION

Based on the forgoing, Petitioners request that the Court grant review and hold the case pending this Court's decision in *Center for Biological Diversity*.

I certify that **[*25]** the total word count of this brief, including footnotes, is 4,176 words, as determined by the word count of the Microsoft Word program on which this brief was prepared.

Respectfully submitted,

Dated: May 29, 2015

/s/ [Signature]
Aruna Prabhala
Attorney for Petitioners

PROOF OF SERVICE

I, Russell Howze, declare:

I am over the age of 18 years and not a party to this action. My business address is 351 California Street, San Francisco, California 94104, in San Francisco County.

On May 29, 2015 I served a copy of the following document:

PETITION FOR REVIEW

by USPS first class mail (except that the copy for the California Court of Appeal, Second District, was served electronically pursuant to that court's rules) by enclosing it in an envelope, with the postage fully prepaid, addressed to the persons at the addresses listed below. I placed the envelope(s) for collection and mailing on the date at the place shown above, following ordinary business practices;

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Submitted by e-service

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

Dated: May 29, 2015

[Signature]
Russell Howze

[SEE EXHIBIT A IN ORIGINAL]

[SEE EXHIBIT A IN ORIGINAL]