

1 **JAMES G. MOOSE**, SBN 119374
2 **NATHAN O. GEORGE**, SBN 263716
3 **REMY MOOSE MANLEY, LLP**
4 555 Capitol Mall, Suite 800
5 Sacramento, CA 95814
6 Telephone: (916) 443-2745
7 Facsimile: (916) 443-9017
8 Email: jmoose@rmmenvirolaw.com
9 ngeorge@rmmenvirolaw.com

7 Attorneys for Real Parties in Interest
8 R. JETER FAMILY TRUST, and
9 RUSSEL JETER as Trustee of the R.
10 JETER FAMILY TRUST

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF NEVADA**

12 COMMUNITY ENVIRONMENTAL
13 ADVOCATES, COMMUNITY
14 ENVIRONMENTAL ADVOCATES
15 FOUNDATION, PROTECT GRASS VALLEY
16 AND RALPH A. SILBERSTEIN,

15 Petitioner,

16 v.

17 CITY OF GRASS VALLEY,

18 Respondents,

19 _____
20 R JETER FAMILY TRUST., and DOES 1-20,

21 Real Parties in Interest.
22

Case No. CU20-084791

**NOTICE OF ISSUANCE OF
PEREMPTORY WRIT OF MANDATE**

California Environmental Quality Act (CEQA)

ASSIGNED FOR ALL PURPOSES:
The Hon. Thomas M. Anderson


Filing Date of Action: August 14, 2020

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 NOTICE IS HEREBY GIVEN that on October 19, 2023, the Court issued a **PEREMPTORY**
3 **WRIT OF MANDATE** in the above-referenced litigation. A true and correct copy is attached hereto
4 as **Exhibit 1**.

5
6 DATED: November 28, 2023

REMY MOOSE MANLEY, LLP

7
8 By: 
9 _____
10 JAMES G. MOOSE
11 NATHAN O. GEORGE
12 Attorney for Real Parties in Interest
13 R. JETER FAMILY TRUST, and RUSSEL
14 JETER as Trustee of the R. JETER FAMILY
15 TRUST
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 1

RECEIVED

BY SUPERIOR COURT OF CALIFORNIA,
COUNTY OF NEVADA

10/16/2023

LAILA A. WAHEED, CLERK OF THE COURT
MELISSA MORGAN, DEPUTY

FILED

BY SUPERIOR COURT OF CALIFORNIA,
COUNTY OF NEVADA

10/19/2023

LAILA A. WAHEED, CLERK OF THE COURT
MELISSA MORGAN, DEPUTY

1 Tal C. Finney, Esq. 156296
2 Shaune B. Arnold, Esq. 173298
3 **FINNEY ARNOLD LLP**
4 633 W. 5th Street, 28th Floor
5 Los Angeles, California 90071
6 tfinney@falawyers.com
(310) 729-7266
sarnold@falawyers.com
(213) 718-3468

7 R. Bruce Tepper, Esq. 75339
8 **R. BRUCE TEPPER ALC**
9 10551 Wilshire Blvd. #1104
10 Los Angeles, California 90024-7309
11 (424) 293-2680
12 TAP@RBTlaw.com

11 Attorneys for Petitioners,
12 Community Environmental Advocates,
13 Community Environmental Advocates Foundation,
14 Protect Grass Valley and Ralph A. Silberstein

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF NEVADA**

16 **COMMUNITY ENVIRONMENTAL**
17 **ADVOCATES, COMMUNITY**
18 **ENVIRONMENTAL ADVOCATES**
19 **FOUNDATION, PROTECT GRASS**
20 **VALLEY AND RALPH A.**
21 **SILBERSTEIN**

20 Petitioners,

21 v.

22 **CITY OF GRASS VALLEY,**

23 Respondent;

24 _____
25 **RUSSELL JETER AS TRUSTEE OF R.**
26 **JETER FAMILY TRUST [FORMERLY**
27 **THE R JETER FAMILY TRUST].**

27 Real Party in Interest.

Superior Court CASE NO.: CU20-084791

(Court of Appeal No. C094613)

~~[PROPOSED]~~ PEREMPTORY WRIT
OF MANDATE

JUDGE: Hon. S. Robert Tice-Raskin
HEARING: August 11, 2023
TIME: 10:00 a.m.
DEPT: 6

Date Action Filed: August 3, 2020

[PROPOSED] PEREMPTORY WRIT OF MANDATE

1 **TO THE CITY OF GRASS VALLEY:**

2 This Court, having entered judgment in this proceeding ordering that a Peremptory Writ
3 of Mandate (“Writ”) issue under seal of this Court,

4 **YOU ARE HEREBY COMMANDED**, upon service of this Writ, to do the following:

5 1. Respondent City of Grass Valley (“City”), within five (5) days after service of
6 this Writ, shall suspend any activity or activities as to the Dorsey Marketplace project (“Project”)
7 that could result in an adverse change or alteration to the physical environment until the City has
8 taken the necessary actions to comply with the California Environmental Quality Act (“CEQA”),
9 embodied in Public Resources Code (“PRC”) §§ 21000, *et seq.*, as fully set forth in Paragraph 2,
10 below.

11 2. The City shall take any actions that may be necessary to correct the deficiencies in
12 the Project EIR’s analysis of SR 20/49 as a contributor of mobile source emissions and the
13 associated health risks for future Project residents and occupants, as articulated more fully by the
14 Court of Appeal in its decision on this matter, issued on January 30, 2023 as modified, on
15 February 28, 2023 (“Modified Opinion”), as well as this Court’s August 23, 2023, Order denying
16 Respondents’ Joint Motion for Limited Remedy and Severance Findings (“Remedy Order”).
17 Only after such deficiencies have been corrected may the City choose to permit the
18 implementation of any and all previously suspended Project activities and Project Approvals.

19 3. Pursuant to PRC §21168.9(a)(2), Real Party in Interest, their respective agents,
20 officers, employees, and any successor in interest are directed not to commence any Project
21 activity or activities that could result in an adverse change or alteration to the physical
22 environment until the City has complied with Paragraph 2 of this Writ.

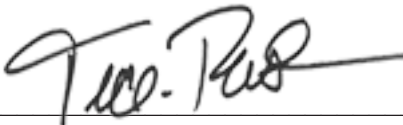
23 4. The City shall file a Return to the Writ (“Return”) within thirty (30) days of the
24 City’s completion of correcting the deficiencies in the EIR’s analysis of SR 20/49 as a
25 contributor of mobile source emissions and the associated health risks for future Project residents
26
27
28

1 and occupants, as stated in Paragraph 2, above. The Return shall specify the actions taken to
2 comply with the terms of this Peremptory Writ of Mandate.

3 5. This Court shall retain jurisdiction over the City's proceedings by way of the
4 Return until the Court has determined that the City has complied with CEQA as specified herein.

5 6. Pursuant to PRC §21168.9 (c), nothing in this Writ shall be construed to direct the
6 City to exercise its lawful discretion in any particular way.


7 Dated: 10/17/2023


HONORABLE S. ROBERT TICE-RASKIN
Judge of the Superior Court

9 Approved as to form:


10 DATED: October 7, 2023

COLANTUONO, HIGHSMITH & WHATLEY, PC


Michael G. Colantuono, Esq.
Attorneys for The City of Grass Valley

15 DATED: October 06, 2023


REMY MOOSE MANLEY, LLP


James G. Moose, Esq.
Attorneys for Real Party in Interest
Russell Jeter (Formerly the R. Jeter Family Trust)

19 Respectfully submitted,

20 DATED: October 9, 2023

FINNEY ARNOLD , LLP
Tal C. Finney
Shaune B. Arnold
R. BRUCE TEPPER, ALC


R. Bruce Tepper
Attorneys for Petitioners,
Community Environmental Advocates,
Community Environmental Advocates Foundation,
Protect Grass Valley and Ralph A. Silberstein

1 **PROOF OF SERVICE - CCP §§ 1013a, 2015.5**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
3 not a party to the within action; my business address is 633 W. 5th Street, 28th Floor, Los
4 Angeles, California 90071.

5 On the date set forth below, I served the foregoing document described as follows:

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

7 on the interested parties in this action by placing ___ the original/ X a true copy thereof
8 enclosed in a sealed envelope(s) addressed as follows:

9 **SEE ATTACHED SERVICE LIST**

10 **BY MAIL** I deposited such envelopes in the mail at Los Angeles, California. I am
11 readily familiar with the firm's practice of collection and processing of correspondence for
12 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
13 day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of
14 business.

15 **BY PERSONAL SERVICE** I hand delivered such envelope by hand to the addressee(s)
16 indicated on the Service List attached hereto.

17 **BY FEDEX** I caused such envelopes to be served via FedEx. I am readily familiar with
18 the firm's practice of collection and processing of correspondence for FedEx. Under that
19 practice it would be deposited in a box or other facility regularly maintained by FedEx for next
20 day delivery.

21 **BY FACSIMILE MACHINE:** The foregoing document was transmitted to the attached
22 named person(s) by facsimile transmission on said date and the transmission was reported as
23 complete and without error.

24 **BY ELECTRONIC TRANSMISSION:** The foregoing document was transmitted via
25 electronic mail to the addressee(s), at the e-mail address(es) indicated on the attached service
26 list.

27 **(STATE)** I declare under penalty of perjury that the foregoing is true and correct.

28 **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct and that this declaration was executed on October 10, 2023, at Los Angeles,
California.


Amanda Donnelly

1 **SERVICE LIST**

2
3 **THE CITY OF GRASS VALLEY**

4 125 E Main Street
5 Grass Valley, CA 95945

6 Michael G. Colantuono, Esq.
7 mcolantuono@chwlaw.us

8 **R. JETER FAMILY TRUST**

9 Gallelli Real Estate
10 3005 Douglas Blvd., Suite 200
11 Roseville, California 95661

12 James Moose, Esq.
13 jmoose@rmmenvirolaw.com.

14 **SERVICE BY MAIL ONLY (Briefs Only)**

15 California State Attorney General
16 1300 "I" Street
17 Sacramento, CA 95814

3 **PROOF OF SERVICE**

4 I, Kaitlyn E. Hubbard, am employed in the County of Sacramento. My business address is 555
5 Capitol Mall, Suite 800, Sacramento, California 95814, and email address is
6 khubbard@rmmenvirolaw.com. I am over the age of 18 years and not a party to the above-entitled
7 action.

8 I am familiar with Remy Moose Manley, LLP's practice for collection and processing mail
9 whereby mail is sealed, given the appropriate postage and placed in a designated mail collection area.
10 Each day mail is collected and deposited in a USPS mailbox after the close of each business day.


11 On November 28, 2023, I served the following:

12 **NOTICE OF ISSUANCE OF PEREMPTORY WRIT OF MANDATE**

- 13 **BY FIRST CLASS MAIL** by causing a true copy thereof to be placed in a sealed envelope,
14 with postage fully prepaid, addressed to the following person(s) or representative(s) as listed
15 below, and placed for collection and mailing following ordinary business practices.
- 16 **BY ELECTRONIC TRANSMISSION OR EMAIL** by causing a true copy thereof to be
17 electronically delivered to the following person(s) or representative(s) at the email address(es)
18 listed below. I did not receive any electronic message or other indication that the transmission
19 was unsuccessful.
- 20 **BY ELECTRONIC TRANSMISSION** by causing a true copy thereof to be electronically
21 delivered to the following person(s) or representative(s) at the email address(es) listed below,
22 via the Court's approved electronic filing service provider. I did not receive any electronic
23 message or other indication that the transmission was unsuccessful.

24 **SEE ATTACHED SERVICE LIST**

25 I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day
26 of November 2023, at Sacramento, California.

27 
28 _____
Kaitlyn Hubbard

3
4 **SERVICE LIST**

| | |
|--|--|
| <p>5 Tal C. Finney 6 Shaune B. Arnold 7 FINNEY ARNOLD LLP 8 633 W. 5th Street, 28th Floor 9 Los Angeles, California 90071 10 T: (310) 729-7266 11 T: (213)718-3468 12 Email: tfinney@falawyers.com 13 Email: sarnold@falawyers.com</p> | <p>Attorneys for Petitioner, COMMUNITY ENVIRONMENTAL ADVOCATES, COMMUNITY ENVIRONMENTAL ADVOCATES FOUNDATION, PROTECT GRASS VALLEY AND RALPH A. SILBERSTEIN</p> <p><i>VIA EMAIL</i></p> |
| <p>14 R. Bruce Tepper 15 R. BRUCE TEPPER ALC 16 10551 Wilshire Blvd. #1104 17 Los Angeles, California 90024-7309 18 T: (424) 293-2680 19 Email: TAP@RBTlaw.com</p> | <p>Attorneys for Petitioner, COMMUNITY ENVIRONMENTAL ADVOCATES, COMMUNITY ENVIRONMENTAL ADVOCATES FOUNDATION, PROTECT GRASS VALLEY AND RALPH A. SILBERSTEIN</p> <p><i>VIA EMAIL</i></p> |
| <p>20 Michael G. Colantuono 21 Meghan A. Wharton 22 Colantuono, Highsmith & Whatley, PC, 23 420 Sierra College Dr, Ste. 140 24 Grass Valley, CA 95945-5091 25 T: (530) 432-7357 26 Email: mcolantuono@chwlaw.us 27 Email: mwharton@chwlaw.us</p> | <p>Attorneys for Respondent, CITY OF GRASS VALLEY</p> <p><i>VIA EMAIL</i></p> |