

**FILED**  
Clerk of the Superior Court

MAY 24 2024

By: T. Crandall, Deputy

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

15 NATURAL RESOURCES DEFENSE  
16 COUNCIL, INC., SAN PEDRO AND  
17 PENINSULA HOMEOWNERS  
18 COALITION, SAN PEDRO PENINSULA  
19 HOMEOWNERS UNITED, INC., EAST  
20 YARD COMMUNITIES FOR  
21 ENVIRONMENTAL JUSTICE, and  
22 COALITION FOR CLEAN AIR, INC., non-  
23 profit corporations  
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25 Petitioners/Plaintiffs,  
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27 v.  
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29 CITY OF LOS ANGELES, PORT OF LOS  
30 ANGELES, and LOS ANGELES BOARD OF  
31 HARBOR COMMISSIONERS, public  
32 entities  
33 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

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 Intervenor 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 Intervenor access, after  
24 reasonable notice, to the China Shipping Terminal to inspect Mitigation  
25 Measure and Lease Measure implementation progress. Petitioners and  
26 Intervenor 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 29 day of May 2024.



SAN DIEGO COUNTY SUPERIOR COURT CLERK

By: *Handwritten Signature* 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:

|  |  |
|--|--|
| <p>Hydee Feldstein Soto<br/>Steven Y. Otera<br/>Justin M. Houterman<br/>John T. Driscoll<br/>OFFICE OF THE CITY ATTORNEY<br/>OF LOS ANGELES<br/>425 S. Palos Verdes St.<br/>San Pedro, CA 90731<br/>Telephone: (310) 732-3750<br/>Facsimile: (310) 831-9778<br/>Emails: <a href="mailto:hydee.feldsteinsoto@lacity.org">hydee.feldsteinsoto@lacity.org</a>;<br/><a href="mailto:sotera@portla.org">sotera@portla.org</a>; <a href="mailto:jhouterman@portla.org">jhouterman@portla.org</a>;<br/><a href="mailto:jdriscoll@portla.org">jdriscoll@portla.org</a></p> | <p>Amrit S. Kulkarni<br/>Cyndee Saucedo<br/>Shaye Diveley<br/>Julia Bond<br/>Teresa Stephens<br/>MEYERS, NAVE, RIBACK, SILVER &amp; WILSON<br/>707 Wilshire Blvd., 24<sup>th</sup> Flr.<br/>Los Angeles, CA 90017<br/>Telephone: (213) 626-2906<br/>Facsimile: (213) 626-0215<br/>Emails: <a href="mailto:akulkarni@meyersnave.com">akulkarni@meyersnave.com</a>;<br/><a href="mailto:csaucedo@meyersnave.com">csaucedo@meyersnave.com</a>;<br/><a href="mailto:sdiveley@meyersnave.com">sdiveley@meyersnave.com</a>;<br/><a href="mailto:jbond@meyersnave.com">jbond@meyersnave.com</a>;<br/><a href="mailto:tstephens@meyersnave.com">tstephens@meyersnave.com</a></p> |
|--|--|

*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.*

(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**

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|---|---|
| <p>David Pettit<br/>Melissa Lin Perrella<br/>NATURAL RESOURCES DEFENSE<br/>COUNCIL, INC.<br/>1314 Second St.<br/>Santa Monica, CA 90401<br/>Telephone: (310) 434-2300<br/>Emails: <a href="mailto:dpettit@nrdc.org">dpettit@nrdc.org</a>;<br/><a href="mailto:mlinperrella@nrdc.org">mlinperrella@nrdc.org</a></p> <p>Jaclyn Prange<br/>Margaret Hsieh<br/>NATURAL RESOURCES DEFENSE<br/>COUNCIL, INC.<br/>111 Sutter St., FL 21<br/>San Francisco, CA 94104<br/>Telephone: (405) 875-6110<br/>Emails: <a href="mailto:jprange@nrdc.org">jprange@nrdc.org</a>; <a href="mailto:mhsieh@nrdc.org">mhsieh@nrdc.org</a></p> | <p><i>Attorneys for Petitioners/Plaintiffs<br/>Natural Resources Defense Council, Inc.;<br/>San Pedro and Peninsula Homeowners<br/>Coalition; San Pedro Peninsula<br/>Homeowners United, Inc.; East Yard<br/>Communities for Environmental Justice;<br/>and Coalition for Clean Air, Inc.</i></p> |
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