

APPENDIX A-2

Judgment Granting Petition for Writ of Mandate on Remand,
Madera Co. Case No. SCV005567, *Gray v. County of Madera*

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FILED
MADERA SUPERIOR COURT

MAR 05 2009

BONNIE THOMAS CLERK

CINDY AYALA DEPUTY

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF MADERA

15 SHERYL GRAY AND BRUCE GRAY)

16 Plaintiffs/Petitioners,)

17 vs.)

18 COUNTY OF MADERA, MADERA)
19 COUNTY BOARD OF SUPERVISORS, and)
20 DOES 1-10, Inclusive,)

21 Defendants/Respondents.)

22 MADERA QUARRY, INC. (previously)
23 referenced as "MADERA RANCH QUARRY,)
24 INC."); W. JAXON)
25 BAKER)

26 Real Party In Interest.)

Case No. SCV005567

CAW 3/5/09
**[PROPOSED] AMENDED JUDGMENT
GRANTING PETITION FOR WRIT OF
MANDATE ON REMAND**

Trial Date: June 25, 2007
Hearing on Judgment: TBD
Dept: 8
Judge: Charles A. Wieland

27 This matter came on for a hearing on the Petition for Writ of Mandate on June 25, 2007
28 and was heard, argued, and submitted for decision in Department 8 of the above-entitled court,
the Honorable Charles A. Wieland presiding. Judgment denying the Petition for Writ of
Mandate in favor of Respondents County of Madera, Madera County Board of Supervisors and
Real Parties in Interest Madera Quarry, Inc. and W. Jaxon Baker was entered on July 25, 2007.

1 On October 24, 2008, the Fifth District Court of Appeal filed its opinion (“Opinion”)
2 reversing the Judgment with directions and ordering the entry of new Judgment granting a writ
3 of mandate. The Opinion is attached hereto as Exhibit “A”.

4 On remand, and in conformity with the Opinion, this Court has undertaken the analysis
5 required by Public Resources Code Section 21168.9:

6 **IT IS HEREBY ORDERED THAT:**

- 7 1) The Judgment entered on July 25, 2007 is hereby vacated.
- 8 2) Judgment is entered in favor of Petitioners in this matter as stated in the Opinion.
- 9 3) Pursuant to Pub.Res.C. §21168.9, a peremptory writ of mandate directed to
10 Respondent shall issue under seal of this Court, ordering Respondent:
- 11 a. to vacate its approval of Conditional Use Permit Nos. 2002-20 and 2006-001;
12 and
 - 13 b. to vacate its certification of the Final EIR and to revise those portions of the
14 EIR, including sections describing impacts to surface water and groundwater,
15 noise, traffic, and cumulative impacts which were found to be inadequate by
16 the Court of Appeal, consistent with the Opinion;
 - 17 c. to determine whether SB 610 applies in the context of any mitigation
18 measures which may be proposed for the Project in the final Revised EIR.
 - 19 d. to update any of the remaining chapters or portions of the EIR as may be
20 necessary, using the criteria set forth in CEQA Guidelines Section 15162 (14
21 CCR Section 15162); and
 - 22 e. to recirculate a draft Revised Environmental Impact Report as required by
23 CEQA, and to provide responses to comments within a final Revised
24 Environmental Impact Report prior to considering re-approving the Project.
 - 25 f. to evaluate the Project’s consistency with the Madera County General Plan
26 and zoning ordinance(s) prior to any re-approval of the Project.
- 27 4) Pursuant to Pub.Res.C. §21168.9(a)(2), the Court finds that while the EIR is not
28 adequate to support the County’s approval of the Conditional Use Permits, these inadequacies do

1 PROOF OF SERVICE

2 I, Rosie Ruppel, certify and declare as follows:

3 I am over the age of 18 years, and not a party to this action. My business address is 578
4 N. Wilma Ave., Suite A, Ripon, California 95366, which is located in the county where the
mailing described below took place.

5 I am readily familiar with the business practice at my place of business for
6 collection and processing of correspondence for mailing. On March 2, 2009, at my place of
business a copy of **[PROPOSED] AMENDED JUDGMENT GRANTING PETITION FOR
7 WRIT OF MANDATE ON REMAND**

8 was placed for deposit following ordinary course of business as follows:

9 **[XX] BY U.S. MAIL** - with the United States Postal Service in a sealed envelope, with postage
thereon fully prepaid.

10 The envelope(s) was/were addressed as follows:

11 DONALD B. MOONEY
12 MARSHA A. BURCH
13 LAW OFFICES OF DONALD
14 B. MOONEY
15 129 C. Street, Suite 2
Davis, CA 95616

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16
17 **[] BY FEDERAL EXPRESS/OVERNIGHT MAIL** in a sealed envelope, with postage
18 thereon fully prepaid. [Code Civ. Proc., §§ 1013(c), 2015.5.]

19 **[] BY PERSONAL SERVICE/HAND DELIVERY.**

20
21 **[] BY FACSIMILE** at approximately _____.m. by use of facsimile machine telephone
22 number (209) 472-7986. I caused the facsimile machine to print a transmission record of the
23 transmission, a copy of which is attached to this declaration. The transmission was reported as
complete and without error. [Cal. Rule of Court 2008 and 2003(3).]

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

26
27 Dated: March 2, 2009


ROSIE RUPPEL