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Association

ELECTRONICALLY FILED
Superior Court of California
County of Sonoma
6/7/2022 2:10 PM
Arlene D. Junior, Clerk of the Court
By: Jennifer Ellis, Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

CALIFORNIA STATE PARKS RANGERS)
ASSOCIATION)

Petitioner)

v.)

CALIFORNIA DEPARTMENT OF PARKS)
AND RECREATION, and DOES 1 through 20)

Respondents)

VALLEY OF THE MOON NATURAL)
HISTORY ASSOCIATION;)
TRANSCENDENCE THEATER COMPANY,)
And DOES 21 through 40,)

Real Parties in Interest)

Case No. SCV-268490

~~PROPOSED~~ JUDGMENT
GRANTING PEREMPTORY
WRIT OF MANDATE

Dept. 17

The Hon. René Auguste Chouteau

Action Filed: September 16, 2019

1 Petitioner California State Parks Rangers Association’s Petition for Writ of Mandate came
2 on regularly for hearing on the March 30, 2022, Law and Motion calendar, the Honorable René
3 Auguste Chouteau presiding. Appearing at the proceedings were Donald B. Mooney on behalf
4 of Petitioner California State Parks Rangers Association, Deputy Attorneys General Nicole
5 Rinke and Andrew Contreiras on behalf Respondent California State Parks and Recreation;
6 Leslie R. Perry on behalf of the Real Party in Interest Transcendence Theater Company; and
7 Susan Brandt-Hawley on behalf of the Real Party in Interest Valley of the Moon Natural History
8 Association.

9 On April 4, 2022, this Court issued an Order After Hearing on Writ of Mandate, a copy of
10 which is attached as Exhibit A to this Judgment. (The final sentence “Respondent must also
11 address the issues regarding the General Plan and PRC section 5001.96” is stricken from the
12 Order.)

13 Having reviewed the record of Respondent’s proceedings in this matter, which the Court
14 admitted into evidence, the briefs submitted by counsel, and the arguments of counsel, and the
15 matter having been submitted for decision, and having issued an order that judgment and a
16 peremptory writ of mandate issue in this proceeding:

17 IT IS HEREBY ORDERED that:

- 18 1. Judgment be entered in favor of Petitioner in this proceeding.
- 19 2. A peremptory writ of mandate directed to Respondent California Department of
20 Parks and Recreation be issued under seal of this Court, ordering Respondent to:
 - 21 a. Within 30 days of service of the Peremptory Writ of Mandate,
22 rescind and set aside the September 17, 2019, approval allowing
23 up to 30 theater performances in the Old Winery Ruins area at
24 Jack London State Historic Park, each summer season for up to 5
25 years in accordance with the operating agreement with Valley of
26 the Moon Natural History Association (VMNHA). Such rescission
27 shall become effective 45 days after the completion of
28

1 Transcendence Theater Company’s final performance in summer
2 2022, currently scheduled for September 18, 2022.

3 b. In order to authorize any additional performances after the summer 2022
4 season, that could result in any change or alteration of the physical
5 environment, Parks must comply with the requirements of the California
6 Environmental Quality Act (CEQA) for its approval of the performances.

7 3. With such writ further providing that:

8 a. Under Public Resources Code section 21168.9(c), this Court does not direct
9 Respondent to exercise its lawful discretion in any particular way; and

10 b. Under Public Resources Code section 21168.9(b), this Court will retain
11 jurisdiction over Respondent’s proceedings by way of a return to this
12 peremptory writ of mandate until this Court has determined that Respondent
13 has complied with the provisions of CEQA.

14 c. Respondent must file a preliminary return to the writ no later than 60 days
15 after issuance of the writ, and a final return following CEQA compliance.

16 4. The Petition for Writ of Mandate is denied with regard to the Second Cause of
17 Action (General Plan); Third Cause of Action (Public Resources Code, §
18 5001.9(b)); Fourth Cause of Action (Public Resources Code, § 5001.96); Fifth
19 Cause of Action (Public Resources Code, § 5019.53); Sixth Cause of action (Public
20 Resources Code, § 5001.59); and Seventh Cause of Action (Public Resources Code,
21 § 5080.03).

22 5. Petitioner, as the prevailing party, shall be awarded its costs of the suit.

23 6. This Court shall retain jurisdiction in this matter to determine entitlement to
24 attorney’s fees and the amount of any award on motion by Petitioner in accordance
25 with California Rule of Court Rule 3.1702.

26 7.

27 // The Honorable Rene Auguste Chouteau, June 7, 2022

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