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SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

FRANK MANCUSO, SR., an individual,

Petitioner,

v.

CALIFORNIA STATE COASTAL  
CONSERVANCY, an agency of the State of  
California, CALIFORNIA STATE  
COASTAL CONSERVANCY BOARD, the  
governing body of the California State  
Coastal Conservancy, CALIFORNIA  
DEPARTMENT OF GENERAL SERVICES,  
an agency of the State of California, the  
MOUNTAINS RECREATION AND  
CONSERVATION AUTHORITY, an agency  
of the State of California, and DOES 1  
through 100,

Respondents.

CASE NO.: BS 040197

[PROPOSED] ORDER

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This matter came before the Court on September 23, 1997, on Petitioner's First Amended Petition for Writ of Mandate. The Court, having reviewed and considered the First Amended Petition for Writ of Mandate, all papers submitted in support thereof and in opposition thereto, and the file and records in this action, and having heard oral argument thereon, hereby orders as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the peremptory writ of mandate sought by Paragraph C of the First Amended Petition's prayer for relief is hereby GRANTED. The Conservancy and the Department shall formally and publicly comply with the obligations imposed upon them by Section 31107.1 of the Public Resources Code to develop and implement procedures to ensure that the Conservancy's transactions "are carried out efficiently and equitably and with proper notice to the public."

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the peremptory writ of mandate sought by Paragraphs A, B and D of the First Amended Petition's prayer for relief are hereby DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Paragraphs E and F of the First Amended Petition's prayer for relief remain OPEN.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert H. O'Brien  
SUPERIOR COURT JUDGE

**PROOF OF SERVICE**

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 333 South Hope Street, Suite 3300, Los Angeles, California 90071.

On September 30, 1997, I served the foregoing document described as [PROPOSED] ORDER on each interested party, as follows:

Peter H. Kaufman  
Deputy Attorney General  
for the State of California  
110 West "A" Street, Suite 1100  
San Diego, California 92101  
Facsimile No.: (619) 645-2012

X

(BY FEDERAL EXPRESS) I placed a true copy of the foregoing document in a sealed envelope addressed to each interested party as set forth above. I placed each such envelope for collection for Federal Express delivery at Irell & Manella LLP, Los Angeles, California. I am readily familiar with Irell & Manella LLP's practice for collection and processing of correspondence for delivery with Federal Express. Under that practice, the correspondence would be given to Federal Express on that same day in the ordinary course of business.

X

(BY FAX) I caused the foregoing document to be served by facsimile transmission at the time shown on each attached transmission report from sending facsimile machine telephone number (213) 229-0515 to each interested party at the facsimile machine telephone number shown above. Each transmission was reported as complete and without error. A transmission report was properly issued by the sending facsimile machine for each interested party served. A true copy of each such transmission report is attached hereto.

Executed on September 30, 1997, at Los Angeles, California.

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

Cindy Altenfelder  
Name

\_\_\_\_\_  
Signature

1 IRELL & MANELLA LLP  
 2 Allan J. Abshez (Bar No. 115319)  
 3 Michael S. Lowe (Bar No. 173664)  
 4 1800 Avenue of the Stars  
 5 Suite 900  
 6 Los Angeles, California 90067-4276  
 7 Telephone: (310) 277-1010

8 Attorneys for Petitioner Frank Mancuso, Sr.

9 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
 10 FOR THE COUNTY OF LOS ANGELES

11 FRANK MANCUSO, SR., an individual, )  
 12 Petitioner, )  
 13 v. )  
 14 CALIFORNIA STATE COASTAL )  
 15 CONSERVANCY, an agency of the State of )  
 16 California, CALIFORNIA STATE )  
 17 COASTAL CONSERVANCY BOARD, the )  
 18 governing body of the California State )  
 19 Coastal Conservancy, CALIFORNIA )  
 20 DEPARTMENT OF GENERAL SERVICES, )  
 21 an agency of the State of California, the )  
 22 MOUNTAINS RECREATION AND )  
 23 CONSERVATION AUTHORITY, an agency )  
 24 of the State of California, and DOES 1 )  
 25 through 100, )  
 26 Respondents. )

CASE NO.: BS 040197

[PROPOSED] STATEMENT OF DECISION

Hearing Date: September 23, 1997  
 Time: 9:30 a.m.  
 Dept.: 85

1 This matter came before the Court on September 23, 1997, on Petitioner's First  
2 Amended Petition for Writ of Mandate. The Court, having reviewed and considered the First  
3 Amended Petition for Writ of Mandate, all papers submitted in support thereof and in  
4 opposition thereto, and the file and records in this action, and having heard oral argument  
5 thereon, finds as follows:

6 (1) Petitioner has standing to bring the instant action and has satisfied his burden of  
7 proving that the California State Coastal Conservancy (the "Conservancy") and the Department  
8 of General Services (the "Department") have failed to comply with the mandatory, ministerial  
9 obligations imposed upon them by Section 31107.1 of the Public Resources Code to develop  
10 and implement procedures to ensure that the Conservancy's transactions "are carried out  
11 efficiently and equitably and with proper notice to the public."

12 (2) Petitioner's claims that the Conservancy unlawfully failed to provide Petitioner  
13 with advance notice of or an opportunity to be heard regarding the Conservancy's May 16,  
14 1996 approval of the Rauw Feasibility Study have been mooted by the fact that the  
15 Conservancy held a new hearing, of which Petitioner was given advance notice, at which the  
16 Conservancy again approved the Rauw Feasibility Study.

17 (3) Petitioner's claims that the Conservancy unlawfully failed to provide Petitioner  
18 with advance notice of or an opportunity to be heard regarding the Conservancy's  
19 20-year property management agreement with the Mountains Recreation and Conservation  
20 Authority have been mooted by the fact that the Conservancy rescinded its authorization for  
21 the 20-year property management agreement.

22 (4) Petitioner's claim that the Conservancy's 20-year property management  
23 agreement with the Mountains Recreation and Conservation Authority violated CEQA has been  
24 mooted by the fact that the Conservancy rescinded its authorization for the 20-year property  
25 management agreement.

26 Consequently, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the  
27 peremptory writ of mandate sought by Paragraph C of the First Amended Petition's prayer for

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1 relief is hereby GRANTED. The Conservancy and the Department shall formally and publicly  
2 comply with the obligations imposed upon them by Section 31107.1 of the Public Resources  
3 Code to develop and implement procedures to ensure that the Conservancy's transactions "are  
4 carried out efficiently and equitably and with proper notice to the public."

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the peremptory writ  
6 of mandate sought by Paragraphs A, B and D of the First Amended Petition's prayer for relief  
7 are hereby DENIED.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Paragraphs E and F  
9 of the First Amended Petition's prayer for relief remain OPEN.

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Dated: \_\_\_\_\_

Robert H. O'Brien  
SUPERIOR COURT JUDGE

Presented By:  
IRELL & MANELLA LLP  
Allan J. Abshez  
Michael S. Lowe

By: *Michael S. Lowe*  
Michael S. Lowe  
Attorneys for Petitioner  
Frank Mancuso, Sr.

**PROOF OF SERVICE**

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 313 South Hope Street, Suite 3300, Los Angeles, California 90071.

On September 30, 1997, I served the foregoing document described as **[PROPOSED] STATEMENT OF DECISION** on each interested party, as follows:

Peter H. Kaufman  
Deputy Attorney General  
for the State of California  
110 West "A" Street, Suite 1100  
San Diego, California 92101  
Facsimile No.: (619) 645-2012

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Executed on September 30, 1997, at Los Angeles,  
California.

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

Cindy Altenfelder

Name

\_\_\_\_\_  
Signature