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FILED
 SUPERIOR COURT
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO DISTRICT

JUL 11 2011

BY Debra L. Johnson
 DEPUTY

7
 8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
 9 IN AND FOR THE COUNTY OF SAN BERNARDINO

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 11 CENTER FOR BIOLOGICAL DIVERSITY,
 a California non-profit corporation; and
 12 HELPHINKLEY.ORG, an unincorporated
 association

13 Petitioners,

14 v.

16 COUNTY OF SAN BERNARDINO,

17 Respondent.

18 NURSERY PRODUCTS, LLC; and DOES 1
 19 to 10;
 20 Real Parties in Interest.

Case No. BCVBS 09950

BY FAX

[PROPOSED] SUPPLEMENTAL PEREMPTORY WRIT

Judge: Honorable John P. Vander

1 To Respondent County of San Bernardino and Real Parties in Interest Nursery Products,
2 LLC, and Does 1-10:

3 The Court having entered an order requiring that a Supplemental Peremptory Writ of
4 Mandate be issued from this Court,

5 RESPONDENTS AND REAL PARTIES IN INTEREST ARE HEREBY
6 COMMANDED that, on service of this supplemental writ, Respondents County of San
7 Bernardino (including all of its agencies, departments, subdivisions, offices, and agents) shall:

8 1. Within 60 days from service of the Supplemental Writ of Mandate, vacate, set aside
9 and rescind their actions (a) approving the Project, (b) certifying the SEIR and EIR for the
10 Project, and (c) re-approving the CEQA Findings of Fact, the Statement of Overriding
11 Considerations, and the Mitigation Monitoring and Reporting Program.

12 2. Certify an EIR that complies with CEQA and the CEQA Guidelines and rectifies the
13 inadequacies specified in the ruling on Petitioners' Motion to Deny Return to Peremptory Writ.
14 Specifically, Respondent shall perform an adequate water supply assessment ~~after consultation~~
15 ~~with the Mojave Water Agency.~~ *q ✓*

16 RESPONDENTS AND REAL PARTIES IN INTEREST ARE HEREBY COMMANDED to
17 make and file a return to this Supplemental Peremptory Writ of Mandate within 90 days of
18 completion of the actions in paragraphs one and two of this Writ.

19 This Supplemental Peremptory Writ of Mandate is intended to supplement, and not to
20 supersede, the original Peremptory Writ of Mandate, issued pursuant to the Court's Order dated
21 June 23, 2008, which is not discharged and remains in effect.

22 The Court retains jurisdiction over Respondent pursuant to Public Resources Code
23 section 21168.9 and Code of Civil Procedure section 1108. The Court further retains jurisdiction
24 over Respondent by way of returns to the Peremptory Writ of Mandate issued pursuant to the
25 Order dated June 23, 2008, and to this Supplemental Peremptory Writ of Mandate, until the
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1 Court has determined that Respondent has complied with the terms of both Writs, and to take
2 such further actions as may be consistent with the Court's ruling.

3 Upon determination by this Court that the actions taken by Respondent complies in all
4 respects with the California Environmental Quality Act, the terms of this Supplemental
5 Peremptory Writ of Mandate, and the Peremptory Writ of Mandate issued pursuant to the Order
6 dated June 23, 2008, the Court shall discharge the Writs.

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8 Dated: 7-11-11



Anita Johnson
Clerk of the Superior Court ANITA JOHNSON
San Bernardino Superior Court

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10 Approved as to form:

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12 Dated: May __, 2011

SAN BERNARDINO COUNTY COUNSEL
OFFICE

Bart Brizze
Bart Brizze, Deputy County Counsel
Attorneys for County of San Bernardino

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14
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16 Dated: June 6
~~May~~ __, 2011

CENTER ON RACE, POVERTY & THE
ENVIRONMENT

Ingrid Brostrom
Ingrid Brostrom
Brent Newell
Attorneys for Center for Biological Diversity and
HelpHinkley.org

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21 Dated: May __, 2011

GRESHAM SAVAGE NOLAN & TILDEN, PC

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Tracy Owens
Attorneys for Nursery Products, LLC

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28 [Proposed] Supplemental
Peremptory Writ of Mandate