

ORIGINAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

DEC 29 2021

BY *Chadwick Johnson*

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DUKE REALTY CORPORATION

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

7 **COUNTY OF SAN BERNARDINO**

8 SIERRA CLUB,
9
Petitioner,

10 v.

11 CITY OF FONTANA
12 Respondent,

Case No. CIVSB2121605
Related with CIVSB2121829

Assigned for All Purposes to
Hon. Donald Alvarez, Dept.: S23

**VERIFIED ANSWER OF REAL PARTY
IN INTEREST TO PETITION FOR WRIT
OF MANDATE FILED BY PETITIONERS
SIERRA CLUB**

[CEQA ACTION]

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14
15 DUKE REALTY; DUKE REALTY, LLC'
16 DUKE REALTY CORPORATION; DUKE
REALTY S&O LLC; and DOES 1 through
17 100, inclusive,

18 Real Parties in Interest

Action Filed: July 23, 2021
Trial Date: None Set

Status Conference Date: January 10, 2022
Status Conference Time: 9:00 a.m.

19
20 Real Party in Interest, DUKE REALTY CORPORATION ("Real Party"), hereby answers
21 the Verified Petition for Writ of Mandate ("Petition") filed by Petitioner and Plaintiff SIERRA
22 CLUB ("Petitioner") as follows:

23 For ease of reference, Real Party repeats the headings contained in the Petition. To the
24 extent that those headings and subheadings may be construed as allegations against Real Party, the
25 allegations are specifically denied.

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

RECEIVED
DEC 29 2021

1 **I. INTRODUCTION**

2 1. Answering Paragraph 1 of the Petition, Real Party alleges that all relevant facts
3 related to the subject development project, including all City approvals and all procedural matters,
4 will be contained in the administrative record which will be lodged with the Court, which record
5 will be the best evidence of all proceedings conducted regarding the matter. Except as so alleged,
6 Real Party denies the allegations of Paragraph 1.

7 2. Answering Paragraph 2 of the Petition, Real Party alleges that all relevant facts
8 related to the subject development project and its characteristics, including all City approvals and
9 all procedural matters, will be contained in the administrative record which will be lodged with the
10 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
11 Further responding to the allegations of Paragraph 2, Real Party alleges that the approval of the
12 project was in conformity with law. Except as so alleged, Real Party denies the allegations of
13 Paragraph 2.

14 3. Answering Paragraph 3 of the Petition, Real Party alleges that all relevant facts
15 related to the subject development project and its characteristics, including all City approvals and
16 all procedural matters, will be contained in the administrative record which will be lodged with the
17 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
18 Further responding to the allegations of Paragraph 3, Real Party alleges that the approval of the
19 project was in conformity with law. Except as so alleged, Real Party denies the allegations of
20 Paragraph 3.

21 4. Answering Paragraph 4, Real Party alleges that the Petition is the best evidence of
22 its contents and speaks for itself. Except as so alleged, Real Party denies the allegations of
23 Paragraph 4.

24 5. Answering Paragraph 5, Real Party alleges that the Petition is the best evidence of
25 its contents and speaks for itself. Except as so alleged, Real Party denies the allegations of
26 Paragraph 5.

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1 **II. PARTIES**

2 6. Answering Paragraph 6, Real Party lacks sufficient information or belief to either
3 admit or deny the allegations of said paragraph and, on that basis, denies each and every allegation
4 contained therein.

5 7. Answering Paragraph 7, Real Party admits the same.

6 8. Answering Paragraph 8, Real Party alleges that the project documents speak for
7 themselves and, thus, no response is required. Real Party further alleges that DUKE REALTY has
8 been dismissed from this action and is no longer a Real Party in Interest.

9 9. Answering Paragraph 9, Real Party alleges that the project documents speak for
10 themselves and, thus, no response is required. Real Party further alleges that DUKE REALTY,
11 LLC has been dismissed from this action and is no longer a Real Party in Interest.

12 10. Answering Paragraph 10, Real Party admits that DUKE REALTY
13 CORPORATION is a corporation registered with the state of California. As to the remaining
14 allegations, Real Party lacks sufficient information or belief to either admit or deny said
15 allegations and, on that basis, denies those allegations.

16 11. Answering Paragraph 11, Real Party admits that DUKE REALTY S&O, LLC is a
17 limited liability corporation registered with the state of California. Real Party further alleges that
18 DUKE REALTY S&O, LLC has been dismissed from this action and is no longer a Real Party in
19 Interest.

20 12. Answering Paragraph 12, Real Party lacks sufficient information or belief to either
21 admit or deny the allegations of said paragraph and, on that basis, denies each and every allegation
22 contained therein.

23 **III. STATEMENT OF FACTS**

24 13. Answering Paragraph 13 of the Petition, Real Party alleges that all relevant facts
25 related to the subject development project and its characteristics, including all City approvals and
26 all procedural matters, will be contained in the administrative record which will be lodged with the
27 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
28 Except as so alleged, Real Party denies the allegations of Paragraph 13.

14. Answering Paragraph 14 of the Petition, Real Party alleges that all relevant facts

1 related to the subject development project and its characteristics, including all City approvals and
2 all procedural matters, will be contained in the administrative record which will be lodged with the
3 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
4 Except as so alleged, Real Party denies the allegations of Paragraph 14.

5 15. Answering Paragraph 15, Real Party alleges that the City's Zoning Map and
6 Municipal Code are the best evidence of their contents and speak for themselves. Except as so
7 alleged, Real Party denies the allegations of Paragraph 15.

8 16. Answering Paragraph 16 of the Petition, Real Party alleges that all relevant facts
9 related to the subject development project and its characteristics, including all City approvals and
10 all procedural matters, will be contained in the administrative record which will be lodged with the
11 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
12 Except as so alleged, Real Party denies the allegations of Paragraph 16.

13 17. Answering Paragraph 17 of the Petition, Real Party alleges that all relevant facts
14 related to the subject development project and its characteristics, including all City approvals and
15 all procedural matters, will be contained in the administrative record which will be lodged with the
16 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
17 Except as so alleged, Real Party denies the allegations of Paragraph 17.

18 18. Answering Paragraph 18 of the Petition, Real Party alleges that all relevant facts
19 related to the subject development project and its characteristics, including all City approvals and
20 all procedural matters, will be contained in the administrative record which will be lodged with the
21 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
22 Except as so alleged, Real Party denies the allegations of Paragraph 18.

23 19. Answering Paragraph 19 of the Petition, Real Party alleges that all relevant facts
24 related to the subject development project and its characteristics, including all City approvals and
25 all procedural matters, will be contained in the administrative record which will be lodged with the
26 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
27 Except as so alleged, Real Party denies the allegations of Paragraph 19.

28 20. Answering Paragraph 20 of the Petition, Real Party alleges that all relevant facts
related to the subject development project and its characteristics, including all City approvals and

1 all procedural matters, will be contained in the administrative record which will be lodged with the
2 Court, which record will be the best evidence of all proceedings conducted regarding to the matter.
3 Except as so alleged, Real Party denies the allegations of Paragraph 20.

4 21. Answering Paragraph 21 of the Petition, Real Party alleges that all relevant facts
5 related to the subject development project and its characteristics, including all City approvals and
6 all procedural matters, will be contained in the administrative record which will be lodged with the
7 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
8 Except as so alleged, Real Party denies the allegations of Paragraph 21.

9 22. Answering Paragraph 22 of the Petition, Real Party alleges that all relevant facts
10 related to the subject development project and its characteristics, including all City approvals and
11 all procedural matters, will be contained in the administrative record which will be lodged with the
12 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
13 Except as so alleged, Real Party denies the allegations of Paragraph 22.

14 23. Answering Paragraph 23, Real Party alleges that the City of Moreno Valley
15 Planning Commission did not hold a public hearing on the subject development project (which is
16 located within the City of Fontana) at any time. Except as so alleged, Real Party denies the
17 allegations of Paragraph 23.

18 24. Answering Paragraph 24 of the Petition, Real Party alleges that all relevant facts
19 related to the subject development project and its characteristics, including all City approvals and
20 all procedural matters, will be contained in the administrative record which will be lodged with the
21 Court, which record will be the best evidence of all proceedings conducted regarding the matter.
22 Except as so alleged, Real Party denies the allegations of Paragraph 24.

23 25. Answering Paragraph 25, Real Party alleges that all relevant facts related to the
24 subject development project and its characteristics, including all City approvals and all procedural
25 matters, will be contained in the administrative record which will be lodged with the Court, which
26 record will be the best evidence of all proceedings conducted regarding the matter. Except as so
27 alleged, Real Party denies the allegations of Paragraph 25.

28 26. Answering Paragraph 26, Real Party alleges that all relevant facts related to the
subject development project and its characteristics, including all City approvals and all procedural

1 matters, will be contained in the administrative record which will be lodged with the Court, which
2 record will be the best evidence of all proceedings conducted regarding the matter. Except as so
3 alleged, Real Party denies the allegations of Paragraph 26.

4 27. Answering Paragraph 27, Real Party lacks sufficient information or belief to either
5 admit or deny the allegations of said paragraph and, on that basis, denies each and every allegation
6 contained therein.

7 28. Answering Paragraph 28, Real Party denies each and every allegation found
8 therein.

9 **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES AND CEQA LITIGATION**
10 **REQUIREMENTS**

11 29. Answering Paragraph 29, Real Party alleges that all relevant facts related to the
12 subject development project and its characteristics, including all City approvals and all procedural
13 matters, will be contained in the administrative record which will be lodged with the Court, which
14 record will be the best evidence of all proceedings conducted regarding the matter. Except as so
15 alleged, Real Party denies the allegations of Paragraph 29.

16 30. Answering Paragraph 30, Real Party alleges that all relevant facts related to the
17 subject development project and its characteristics, including all City approvals and all procedural
18 matters, will be contained in the administrative record which will be lodged with the Court, which
19 record will be the best evidence of all proceedings conducted regarding the matter. Except as so
20 alleged, Real Party denies the allegations of Paragraph 30.

21 31. Answering Paragraph 31, Real Party admits that Petitioner elected to prepare the
22 administrative record in this case. Real Party alleges that all relevant facts related to the subject
23 development project and its characteristics, including all City approvals and all procedural matters,
24 will be contained in the administrative record which will be lodged with the Court, which record
25 will be the best evidence of all proceedings conducted regarding the matter. Except as so alleged,
26 Real Party denies the allegations of Paragraph 31.

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1 **V. JURISDICTION AND VENUE**

2 32. Answering Paragraph 32, Real Party admits that the Court has jurisdiction over this
3 writ action. Real Party admits and affirmatively alleges that Sections 1085 and 1094.5 of the Code
4 of Civil Procedure speak for themselves and are the best evidence of their contents.

5 33. Answering Paragraph 33, Real Party admits that venue is proper. Real Party admits
6 and affirmatively alleges that Sections 393 and 394 of the Code of Civil Procedure speak for
7 themselves and are the best evidence of their contents. Real Party admits that the subject
8 development project is located within the City of Fontana which is located within San Bernardino
9 County.

10 **FIRST CAUSE OF ACTION**

11 **(WRIT OF MANDATE- VIOLATIONS OF THE CALIFORNIA ENVIRONMENTAL**
12 **QUALITY ACT, AS TO ALL PARTIES)**

13 Answering the unnumbered paragraph labeled as heading "a", Real Party denies each and
14 every allegation found therein.

15 34. Answering Paragraph 34, Real Party hereby incorporates by reference its responses
16 to paragraphs 1 through 33 above in their entirety.

17 35. Answering Paragraph 35, Real Party alleges that Section 21080 (d) is the best
18 evidence of its contents and speaks for itself. Except as so alleged, Real Party denies the
19 allegations of Paragraph 35.

20 36. Answering Paragraph 36, Real Party alleges that Section 15003(a) of the CEQA
21 Guidelines is the best evidence of its contents and speaks for itself. Except as so alleged, Real
22 Party denies the allegations of Paragraph 36.

23 37. Answering Paragraph 37, Real Party alleges that Section 21100 (a) is the best
24 evidence of its contents and speaks for itself. Except as so alleged, Real Party denies the
25 allegations of Paragraph 37.

26 38. Answering Paragraph 38, Real Party alleges that Section 15064(f)(1) of the CEQA
27 Guidelines is the best evidence of its contents and speaks for itself. Except as so alleged, Real
28 Party denies the allegations of Paragraph 38.

1 39. Answering Paragraph 39, Real Party alleges that Section 15070(b) of the CEQA
2 Guidelines is the best evidence of its contents and speaks for itself. Except as so alleged, Real
3 Party denies the allegations of Paragraph 39.

4 40. Answering Paragraph 40, Real Party denies each and every allegation found
5 therein.

6 41. Answering Paragraph 41, Real Party denies each and every allegation found
7 therein.

8 42. Answering Paragraph 42, Real Party alleges that the City of Fontana General Plan
9 is the best evidence of its contents and speaks for itself. Except as so alleged, Real Party denies the
10 allegations of Paragraph 42.

11 43. Answering Paragraph 43, Real Party alleges that Code of Civil Procedure Sections
12 1085 and 1094.5 and Public Resources Code Section 21168 are the best evidence of their contents
13 and speak for themselves. Except as so alleged, Real Party denies the allegations of Paragraph 43.

14 Answering the unnumbered paragraph labeled as heading “b”, Real Party denies each and
15 every allegation found therein.

16 44. Answering Paragraph 44, Real Party alleges that the decision in *Lighthouse Field*
17 *Beach Rescue v. City of Santa Cruz* is the best evidence of its contents and speaks for itself.
18 Except as so alleged, Real Party denies the allegations of Paragraph 44.

19 45. Answering Paragraph 45, Real Party alleges that the decisions in *Gentry v. City of*
20 *Murrieta* and *City of Redlands v. County of San Bernardino* are the best evidence of their contents
21 and speak for themselves. Except as so alleged, Real Party denies the allegations of Paragraph 45.

22 46. Answering Paragraph 46, Real Party denies each and every allegation found
23 therein.

24 47. Answering Paragraph 47, Real Party denies each and every allegation found
25 therein.

26 48. Answering Paragraph 48, Real Party denies each and every allegation found
27 therein.

AFFIRMATIVE DEFENSES

28 As and for affirmative defenses, Real Party alleges as follows:

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FIRST AFFIRMATIVE DEFENSE
(Failure to State Cause of Action)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, each and every cause of action therein, fail to state facts sufficient to constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE
(Lack of Beneficial Interest/Standing)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, each and every cause of action therein, is barred because Petitioner is not beneficially interested in these proceedings and, therefore, lacks sufficient standing to assert any cause of action contained in the Petition.

THIRD AFFIRMATIVE DEFENSE
(Failure to Exhaust Administrative Remedies)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, each and every cause of action therein, are barred, in whole or in part, by Petitioners' failure to exhaust their administrative remedies.

FOURTH AFFIRMATIVE DEFENSE
(Mootness)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, each and every cause of action therein, are barred, in whole or in part, on mootness grounds.

FIFTH AFFIRMATIVE DEFENSE
(Ripeness)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, each and every cause of action therein, are barred, in whole or in part, as this action is not sufficiently ripe.

SIXTH AFFIRMATIVE DEFENSE
(Waiver)

As a separate and affirmative defense, Real Party alleges that the Petition and every cause of action alleged therein are barred in whole or part by the equitable principle of waiver.

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SEVENTH AFFIRMATIVE DEFENSE

(Estoppel)

As a separate and affirmative defense, Real Party alleges that the Petition and every cause of action alleged therein are barred in whole or part by the equitable principle of estoppel.

EIGHTH AFFIRMATIVE DEFENSE

(Laches)

As a separate and affirmative defense, Real Party alleges that the Petition and every cause of action alleged therein are barred in whole or part by the equitable principle of laches.

NINTH AFFIRMATIVE DEFENSE

(Unclean Hands)

As a separate and affirmative defense, Real Party alleges that the Petition and every cause of action alleged therein are barred in whole or part by the equitable principle of unclean hands.

TENTH AFFIRMATIVE DEFENSE

(Statutes of Limitation)

As a separate and affirmative defense, Real Party alleges that the Petition and every cause of action alleged therein are barred in whole or part by the applicable statutes of limitation, including, but not limited to, Government Code Sections 65300 et seq., including without limitation, 65009, 65030.1, 65300.5 and 65860 and Public Resources Code Section 21167(c).

ELEVENTH AFFIRMATIVE DEFENSE

(Substantial Evidence)

As a separate and affirmative defense, Real Party alleges that the Petition and every cause of action alleged therein are barred in whole or part because the City's actions and approvals are supported by substantial evidence.

TWELFTH AFFIRMATIVE DEFENSE

(Compliance with CEQA)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, every cause of action therein, are barred because the City properly conducted all environmental review and followed all procedures required under CEQA and the CEQA Guidelines.

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THIRTEENTH AFFIRMATIVE DEFENSE

(Improper Interference with Discretionary Authority)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, every cause of action therein, are barred because the relief sought would improperly interfere with the City's discretionary authority.

FOURTEENTH AFFIRMATIVE DEFENSE

(Failure to Comply with Requirements of Law)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, every cause of action therein, are barred because Petitioners have failed to comply with the Requirements of Code of Civil Procedure Section 388 and Public Resources Code Section 21167.7.

FIFTEENTH AFFIRMATIVE DEFENSE

(Costs Not Recoverable)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, every cause of action therein, are barred because Petitioners have failed to state facts sufficient to entitle Petitioners to recover their costs.

SIXTEENTH AFFIRMATIVE DEFENSE

(Attorneys' Fees Not Recoverable)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, every cause of action therein, are barred because Petitioners have failed to state facts sufficient to entitle Petitioners to recover their attorneys' fees under Code of Civil Procedure Section 1021.5 or any other statute or doctrine.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Improper Purposes)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, every cause of action therein, are barred because Petitioners commenced this action in order to attempt to subvert rules regulating the protection of the environment into an instrument for oppression and delay.

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EIGHTEENTH AFFIRMATIVE DEFENSE
(Failure to Demonstrate Abuse of Discretion)

As a separate and affirmative defense to the Petition, Real Party alleges that the Petition and, every cause of action therein, is barred because the City has exercised its discretion in this matter in a lawful manner and has not committed an abuse of discretion.

NINETEENTH AFFIRMATIVE DEFENSE
(Reservation of Additional Affirmative Defenses)

Real Party is informed and believes and thereon alleges that they presently have insufficient knowledge or information upon which to form a belief as to whether they may have additional, as yet unstated, affirmative defenses. Real Party reserves the right to assert additional affirmative defenses in the event investigation and discovery indicate that they would be appropriate.

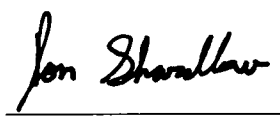
PRAYER FOR RELIEF

WHEREFORE, Real Party prays for judgment as follows:

1. That the Petition be denied in its entirety;
2. That judgment be entered in favor of Real Party;
3. That Real Party be awarded its costs of suit incurred herein;
4. That Real Party be awarded its reasonable attorneys' fees incurred herein; and
5. For such other and further relief as this Court may deem just and proper.

DATED: December 29, 2021

Respectfully Submitted,
GRESHAM SAVAGE NOLAN & TILDEN, PC

By: 
Jonathan E. Shardlow
Attorney for Real Party in Interest,
Duke Realty Corporation

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VERIFICATION

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

I am familiar with the contents of the foregoing **VERIFIED ANSWER OF REAL PARTY IN INTEREST TO PETITION FOR WRIT OF MANDATE.**

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The information supplied therein is true and is based on my own personal knowledge and/or has been supplied by my attorney or their agents and is therefore provided as required by law.

I am _____ of _____, a party to this action, and am authorized to make this verification for and on its behalf.

The information supplied therein is true and is based on my own personal knowledge and/or has been supplied by the party's attorneys or their agents and is therefore provided as required by law.

The information supplied therein is the product of information gathered by others and/or has been supplied by the party's attorneys or their agents and is therefore provided as required by law, and on that basis, I am informed and believe and on that ground allege that the information provided is true.

I am one of the attorneys for Duke Realty Corporation, a party to this action. Such party is absent from the aforesaid county where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on December 29, 2021, at San Bernardino, California.

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



Jonathan E. Shardlow

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO**

3 Re: *Sierra Club v. City of Fontana*
4 San Bernardino County Superior Court Case No. CIVSB2121605

5 I am employed in the County of San Bernardino, State of California. I am over the age of 18 years
6 and not a party to the within action; my business address is: 550 E. Hospitality Lane, Suite 300,
7 San Bernardino, CA 92408-4205. On December 29, 2021, I served copies of the within
8 documents described as **VERIFIED ANSWER OF REAL PARTY IN INTEREST TO
9 PETITION FOR WRIT OF MANDATE FILED BY PETITIONERS SIERRA CLUB** on the
10 interested parties in this action in a sealed envelope addressed as follows:

11 **See attached Service List**

12 **BY MAIL** - I am "readily familiar" with the firm's practice of collecting and processing
13 correspondence for mailing. Under that practice, it would be deposited with the United States
14 Postal Service on the same day in the ordinary course of business, with postage thereon fully
15 prepaid at San Bernardino, California. I am aware that on motion of the party served, service
16 is presumed invalid if postal cancellation date or postage meter date is more than one day
17 after date of deposit for mailing in affidavit.

18 **BY PERSONAL SERVICE** - I caused such envelope to be delivered by hand to the offices
19 of the addressee pursuant to C.C.P. § 1011.

20 **BY EXPRESS MAIL/OVERNIGHT DELIVERY** - I caused such envelope to be delivered
21 by hand to the office of the addressee via overnight delivery pursuant to C.C.P. § 1013(c),
22 with delivery fees fully prepaid or provided for.

23 **BY FACSIMILE** - I caused such document to be delivered to the office of the addressee via
24 facsimile machine pursuant to C.C.P. § 1013(e). Said document was transmitted to the
25 facsimile number of the office of the addressee from the office of Gresham Savage Nolan &
26 Tilden, in San Bernardino, California, on the date set forth above. The facsimile machine I
27 used complied with California *Rules of Court*, Rule 2003(3) and no error was reported by the
28 machine. Pursuant to California *Rules of Court*, Rule 2009(i).

29 **BY ELECTRONIC/EMAIL** - Pursuant to the party's express consent to receive electronic
30 service, I caused such document to be delivered to the office of the addressee via electronic e-
31 mail pursuant to C.C.P. §1010.6(a)(2)(A)(ii). Said document was transmitted to the email
32 address of that office which is listed on the attached Service List. Said document was served
33 electronically and the transmission was reported as complete and without error.

34 **FEDERAL** - I am employed in the office of a member of the bar of this court at whose
35 direction the service was made.

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

38 Executed on December 29, 2021, San Bernardino, California.

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40 **MARLENE Y. RAMIREZ**

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SERVICE LIST

Re: *Sierra Club v. City of Fontana*
San Bernardino County Superior Court Case No. CIVSB2121605

Abigail A. Smith
LAW OFFICE OF ABIGAIL SMITH
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Email: abby@socalceqa.com

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SIERRA CLUB***

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***Attorneys for Defendant,
CITY OF FONTANA***