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18 Attorneys for Petitioners
19 COMMUNITIES FOR A BETTER ENVIRONMENT
20 and CENTER FOR BIOLOGICAL DIVERSITY

21 *[additional counsel listed on next page]*

22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **COUNTY OF CONTRA COSTA**

24 COMMUNITIES FOR A BETTER
25 ENVIRONMENT and CENTER FOR
26 BIOLOGICAL DIVERSITY,

27 Petitioners,

28 v.

29 COUNTY OF CONTRA COSTA;
30 BOARD OF SUPERVISORS OF
31 COUNTY OF CONTRA COSTA;
32 CONTRA COSTA COUNTY
33 DEPARTMENT OF CONSERVATION
34 AND DEVELOPMENT; and DOES 1-20,

35 Respondents

Case No. N22-1080

(California Environmental Quality Act)

PETITIONER'S NOTICE OF ENTRY OF WRIT OF MANDATE

[Code Civ. Proc., §§ 1085, 1094.5;
California Environmental Quality Act,
Pub. Resources Code, §§ 21000 et seq.]

Assigned for All Purposes to:
Hon. Edward G. Weil, Dept. 1/39

Action Filed: June 7, 2022
Amended Judgment Entered: November 1, 2023

1 PHILLIPS 66, a Texas corporation and
2 DOES 21-40, inclusive,

3 Real Party in Interest.

4 SHANA LAZEROW (State Bar No. 195491)
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12 COMMUNITIES FOR A BETTER ENVIRONMENT

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22 Attorneys for Petitioner
23 CENTER FOR BIOLOGICAL DIVERSITY
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25
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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on August 23, 2023, the Court issued a Writ of Mandate
3 in this matter. A true and correct copy of the executed Writ of Mandate is attached hereto as
4 Exhibit A.

5 DATED: November 9, 2023

SHUTE, MIHALY & WEINBERGER LLP

7
8 By: 

9 _____
ELLISON FOLK
JOSEPH D. PETTA
10 LAUREN M. TARPEY
11

12 DATED: November 9, 2023

ENVIRONMENTAL LAW CLINIC

13
14
15 By: /s/ Stephanie L. Safdi

DEBORAH A. SIVAS
STEPHANIE L. SAFDI
16 MATTHEW J. SANDERS
17

Attorneys for Petitioners
18 COMMUNITIES FOR A BETTER
19 ENVIRONMENT and CENTER FOR
20 BIOLOGICAL DIVERSITY

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Exhibit A

FILED

AUG 23 2023

K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA

By C. Fortang, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA**

COMMUNITIES FOR A BETTER ENVIRONMENT and CENTER FOR BIOLOGICAL DIVERSITY,

Petitioners,

v.

COUNTY OF CONTRA COSTA, BOARD OF SUPERVISORS OF COUNTY OF CONTRA COSTA; CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT; and DOES 1-20,

Respondents.

PHILLIPS 66, a Texas corporation and DOES 21-40, Inclusive,

Real Party in Interest.

Case No. CIVMSN22-1080

[Assigned for all purposes to the Honorable Edward G. Weil - Dept. 39]

(California Environmental Quality Act)

PEREMPTORY WRIT OF MANDATE

[Code Civ. Proc., §§ 1085, 1094.5, California Environmental Quality Act, Pub. Resources Code, §§ 21000 *et seq.*]

Petition Filed: June 7, 2022

Trial Date: June 28, 2023

To: Respondents County of Contra Costa, Board of Supervisors of County of Contra Costa and Contra Costa County Department of Conservation (“Respondents”):

Judgment having been entered in this action, ordering that a preemptory writ of mandate be issued from this Court,

YOU ARE HEREBY COMMANDED, upon receiving service of this writ, to:

1. Set aside the certification of the Environmental Impact Report under the California Environmental Quality Act (“CEQA”), California Public Resources Code, Section 21000,

1 et seq., for Phillips 66's Rodeo Renewed Project ("Project");

- 2 2. Conduct a further environmental review of the Project in compliance with CEQA to
3 remedy the three specific issues identified in the Court's July 21, 2023 Statement of
4 Decision, viz;
- 5 a. Reconsider NuStar terminal as part of the project description (Statement of
6 Decision, Section III.A, Piecemealing);
 - 7 b. Reconsider Unit 250 as part of the cumulative impact analysis (Statement of
8 Decision, Section III.A, Piecemealing); and
 - 9 c. Reconsider the mitigation measures for the Project's odor impacts (Statement of
10 Decision, Section III.E, Deferral of Odor Mitigation).
- 11 3. File an initial return to this writ no later than 75 days after service of this writ. The return
12 shall specify the actions taken to comply with the terms of the peremptory writ of mandate.
13

14 Under Public Resources Code Section 21168.9(b), this Court retains jurisdiction over the
15 Respondents' proceedings by way of a return to the peremptory writ of mandate until the Court has
16 determined that Respondents have (1) remedied the inadequacies found by the Court in the EIR as set
17 forth in the Court's July 21, 2023, Statement of Decision, viz. NuStar terminal as part of the project
18 description (Statement of Decision, Section III.A, Piecemealing), Unit 250 as part of the cumulative
19 impact analysis (Statement of Decision, Section III.A, Piecemealing), and mitigation measures for the
20 Project's odor impacts (Statement of Decision, Section III.E, Deferral of Odor Mitigation); and (2)
21 complied with CEQA.

22 Under Public Resources Code section 21168.9(c), this Court does not direct Respondents to
23 exercise their lawful discretion in any particular way.

24 LET THE FOREGOING WRIT ISSUE.

25 Dated: **AUG 23 2023**



26 **C. FORFANG**

27 Clerk of the Superior Court, Contra Costa County

SUPERIOR COURT – MARTINEZ
COUNTY OF CONTRA COSTA
MARTINEZ, CA 94553
EMAIL: dept39@contracosta.courts.ca.gov

CLERK'S CERTIFICATE OF E-MAILING

CASE NUMBER: N22-1080

THIS NOTICE/DOCUMENT HAS BEEN SENT TO ALL ATTORNEYS/PARTIES LISTED BELOW:

PLAINTIFF'S COUNSEL: DEBORAH SIVAS, ESQ.: dsivas@stanford.edu
STEPHANIE SAFDI, ESQ.: ssafdi@stanford.edu
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RESPONDENT'S COUNSEL: THOMAS GEIGER, ESQ.: thomas.geiger@cc.cccounty.us
STEPHEN SIPTROTH, ESQ.: stephen.siptroth@cc.cccounty.us

COUNSEL FOR REAL PARTY IN INTEREST:

NICKI CARLSEN, ESQ.: nicki.carlsen@alston.com
MATTHEW WICKERSHAM, ESQ.: matt.wickersham@alston.com
MEGAN AULT, ESQ.: megan.ault@alston.com

I declare under penalty of perjury that I am not a party to this action, and that I served a copy of this notice/document to the person(s) listed above via e-mail from MARTINEZ, CA

TITLE OF DOCUMENT SERVED: PEREMPTORY WRIT OF MARRIAGE

DATE E-MAILED: 8/23/23

BY



C. FORFANG, Deputy Clerk

1 **PROOF OF SERVICE**

2 ***Communities For A Better Environment, et al. v. County of Contra Costa, et al.***
3 **Case No. N22-1080**
4 **Contra Costa County Superior Court**

5 At the time of service, I was over 18 years of age and **not a party to this action**. I am
6 employed in the County of San Francisco, State of California. My business address is 396
7 Hayes Street, San Francisco, CA 94102.

8 On November 9, 2023, I served true copies of the following document(s) described as:

9 **PETITIONER’S NOTICE OF ENTRY OF WRIT OF MANDATE**

10 on the parties in this action as follows:

11 Thomas L. Geiger, Assistant County Counsel
12 Kurtis C. Keller, Deputy County Counsel
13 COUNTY OF CONTRA COSTA
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kurtis.keller@cc.cccountv.us

Representative for Respondents:
COUNTY OF CONTRA COSTA; BOARD
OF SUPERVISORS OF CONTRA COSTA
COUNTY; and CONTRA COSTA
COUNTY DEPARTMENT OF
CONSERVATION AND DEVELOPMENT

14 Nicki Carlsen
15 Megan Ault
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kalina.zhong@alston.com

Attorney for Real Party in Interest:
PHILLIPS 66

20
21 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
22 document(s) to be sent from e-mail address tsanchez@smwlaw.com to the persons at the e-mail
23 addresses listed above. I did not receive, within a reasonable time after the transmission, any
electronic message or other indication that the transmission was unsuccessful.

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

25 Executed on November 9, 2023, at San Francisco, California.

26 

27 _____
28 Tuloa Sanchez