2 3	Cory J. Briggs (SBN 176284) 99 East "C" Street, Suite 203 Upland, CA 91786 Telephone: 909-949-7115	ELECTRONICALLY FILED Superior Court of California, County of San Diego 1/27/2025 11:20:01 AM
5	Attorneys for Plaintiff and Petitioner Citizens for a Friendly Airport	Clerk of the Superior Court By G. Lopez ,Deputy Clerk
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8	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
9	COUNTY OF SAN DIEGO – CENTRAL DIVISION	
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11	CITIZENS FOR A FRIENDLY AIRPORT,	25CU004719C CASE NO
12	Plaintiff and Petitioner,)	VERIFIED COMPLAINT FOR
13	vs.	DECLARATORY RELIEF AND PETITION FOR WRIT OF MANDATE
14	COUNTY OF SAN DIEGO; and DOES 1 through) 100,	UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND OTHER LAWS
15 16	Defendants and Respondents;	
17	AMERICAN AIRLINES, INC.; and DOES 101 through 1,000,	
18	Defendants and Real Parties in) Interest.	
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21	Plaintiff and Petitioner CITIZENS FOR A FRIENDLY AIRPORT ("Petitioner") alleges as	
22	follows:	
23	Partie	
24	1. Petitioner is a non-profit organization formed and operating under the laws of the State	
25	of California. At least one of Petitioner's members resides in or near the County of San Diego,	
26	California, and has an interest in protecting the region's air quality, minimizing and ameliorating	
27	airplane noise, ensuring informed and responsible growth, and promoting other environment-related	
28	quality-of-life issues.	

- 2. Defendant and Respondent COUNTY OF SAN DIEGO ("Respondent") is a public agency under Section 21063 of the Public Resources Code. Respondent is authorized and required by law to hold public hearings to determine whether the California Environmental Quality Act ("CEQA") applies to development within its jurisdiction, to determine the adequacy of and certify environmental documents prepared pursuant to CEQA, and to determine whether a project is compatible with the objectives, policies, general land uses, and programs specified in the applicable land-use plans.
- 3. Petitioner is informed and believes and on that basis alleges that Defendants and Real Parties in Interest AMERICAN AIRLINES, INC. ("RPI"), is the applicant for the proposed project (which includes the related contract to which Respondent and RPI are parties) that is the subject of this lawsuit.
- 4. The true names and capacities of the Defendants/Respondents identified as DOES 1 through 100 and Defendants/Real Parties in Interest identified as DOES 101 through 1,000 are unknown to Petitioner, who will seek the Court's permission to amend this pleading in order to allege the true name and capacities as soon as they are ascertained. Petitioner is informed and believes and on that basis alleges that each of the fictitiously named Defendants/Respondents 1 through 100 has jurisdiction by law over one or more aspects of the proposed project that is the subject of this lawsuit and that each of the fictitiously named Defendants/Real Parties in Interest 101 through 1,000 either claims an ownership interest in the proposed project or has some other cognizable interest in the proposed project.

Background Information

- 5. On or about January 8, 2025, Respondent's board of supervisors took certain action as set forth in Minute Order no. 4 (the "Project").
- 6. Petitioner opposes the Project (including all entitlements and other aspects thereof) and challenges certain actions taken by Respondent. In particular, Petitioner seeks to invalidate the Project's approval on the grounds, among others, that Respondent has violated CEQA, the Planning and Zoning Law ("PZL"), and/or other laws; and/or has also violated the judgment previously entered in and/or acted contrary to Respondent's representations made in San Diego County Superior Court case no. 37-2018-00057624-CU-TT-CTL.

Notice Requirements and Time Limitations

- 7. This lawsuit was commenced not more than 30 days after the notice authorized by Public Resources Code Section 21152(a) was filed (if such a notice was filed).
- 8. Petitioner has caused a Notice of Commencement of Action to be served on Respondent, as required by Public Resources Code Section 21167.5. A true and correct copy of the Notice of Commencement of Action is attached to this pleading as Exhibit "A."
- 9. Petitioner will have caused a copy of this pleading to be served on the Attorney General not more than 10 days after its filing, as required by Public Resources Code Section 21167.7 and Code of Civil Procedure Section 388.

Jurisdiction and Exhaustion of Administrative Remedies

- 10. Petitioner seeks review by and relief from this Court under Public Resources Code Section 21168 or 21168.5, as applicable; Government Code Section 65000 *et seq.*; and Code of Civil Procedure Sections 526a, 1060 *et seq.*, and 1084 *et seq.*, among other provisions of law.
- 11. Petitioner exhausted administrative remedies to the extent required by law; by way of example and without limitation, at least one of Petitioner's members expressed opposition to the Project. Additionally and/or alternatively, Petitioner was not required to exhaust its administrative remedies under the circumstances presented by the Project.
- 12. Respondent's conduct in approving the Project without complying with CEQA and other applicable laws constitutes a prejudicial abuse of discretion because, as alleged in this pleading, it failed to proceed in the manner required by law and made findings not supported by substantial evidence.
- 13. Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law, since its members and other members of the public will suffer irreparable harm as a result of Respondent's violations of CEQA and other laws. Respondent's approval of the Project also rests on its failure to satisfy a clear, present, ministerial duty to act in accordance with those laws. Even when Respondent is permitted or required by law to exercise its discretion in approving projects under those laws, it remains under a clear, present, ministerial duty to exercise its discretion within the limits of and in a manner consistent with those laws. Respondent has had and continues to have the capacity and ability to approve the Project within the time limits of and in a manner consistent with those laws, but

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Respondent has failed and refuses to do so and has exercised its discretion beyond the limits of and in a manner that is not consistent with those laws.

14. Petitioner has a beneficial right and interest in Respondent's fulfillment of all its legal duties, as alleged in this pleading.

FIRST CAUSE OF ACTION: Illegal Approval of Project (Against All Respondents and Real Parties in Interest)

- 15. Paragraphs 1 through 14 are fully incorporated into this paragraph.
- 16. Petitioner is informed and believes and on that basis alleges that the Project does not comply with all applicable laws. By way of example and without limitation (including alternative theories of liability):
 - A. The Project violates CEQA. For example:
- i. Whenever a project proposed to be carried out or approved by a lead agency has the potential to cause an adverse environmental impact, CEQA prohibits the agency from relying on a negative declaration. Instead, CEQA requires the preparation of an environmental impact report to identify and analyze the significant adverse environmental impacts of a proposed project, giving due consideration to both short-term and long-term impacts, providing decision-makers with enough information to enable them to make an informed decision with full knowledge of the likely consequences of their actions, and providing members of the public with enough information to participate meaningfully in the project's approval and environmental-review process. CEOA also requires every environmental impact report to identify and analyze a reasonable range of alternatives to a proposed project. CEQA further requires every environmental impact report to identify and analyze all reasonable mitigation measures for a proposed project's significant adverse environmental impacts. An environmental impact report must be prepared for a proposed project if there is a fair argument. supported by substantial evidence in the administrative record, that the project may have an adverse environmental impact; stated another way, a negative declaration may not be used unless the lead agency determines with certainty that there is no potential for the project to have an adverse environmental impact.

- ii. The Project's significant direct, indirect, or cumulative adverse impacts on the environment give rise to Respondent's legal obligation to prepare an environmental impact report specifically for the Project.
- iii. Respondent failed to prepare an environmental impact report specifically for the Project, and that failure is a violation of CEQA.
- iv. As a result of Respondent's violation of CEQA, Petitioner has been harmed insofar as Petitioner, its members, other members of the public, and the responsible decision-makers were not fully informed about the potential adverse environmental impacts of the this Project, and insofar as Petitioner, its members, and other members of the public did not have an opportunity to participate meaningfully in the analysis of such impacts prior to approval of the Project.
 - B. The Project violates the PZL. For example:
- i. Respondent did not comply with the controlling conditional use permit,
 CUP-172, issued by the City of Carlsbad, prior to approving the Project.
- 17. There is currently a dispute between Petitioner and the other parties to this lawsuit over the Project's legal force and effect. Petitioner contends that the Project's approval has no legal force or effect because it violates CEQA and/or one or more other applicable laws. The other parties to this lawsuit dispute Petitioner's contention. The parties therefore require a judicial determination of the legal force and effect (if any) of the Project's approval.

Prayer

FOR ALL THESE REASONS, Petitioner respectfully prays for the following relief against all Defendants/Respondents and all Defendants/Real Parties in Interest (and any all other parties who may oppose Petitioner in this lawsuit):

- A. A judgment or other appropriate order determining or declaring that Defendants/Respondents failed to fully comply with CEQA, the PZL, and/or one or more other applicable laws as they relate to the Project and that there must be full compliance therewith before final approval and implementation of the Project may occur;
- B. A judgment or other appropriate order determining or declaring that Defendants/Respondents failed to comply with CEQA, the PZL, and/or one or more other applicable

laws as they relate to the Project and that its approval was illegal in at least some respect, rendering the approval (including any subsequent actions or omissions based on the approval) null and void;

- C. Injunctive relief prohibiting Defendants/Respondents and Defendants/Real Parties in Interest (and any and all persons acting at the request of, in concert with, or for the benefit of one or more of them) from taking any action on any aspect of, in furtherance of, or otherwise based on the Project unless and until Defendants/Respondents comply with CEQA, the PZL, and all other applicable laws, as determined by the Court;
- D. Any and all other relief that may be authorized by CEQA, the PZL, or other applicable laws, or any combination of them, but is not explicitly or specifically requested elsewhere in this Prayer;
- E. Any and all legal fees and other expenses incurred by Petitioner in connection with this lawsuit, including but not limited to reasonable attorney fees as authorized by the Code of Civil Procedure; and
 - F. Any and all further relief that this Court may deem appropriate.

Date: January 24, 2025.

Respectfully submitted,

BRIGGS LAW CORPORATION

By:

Cory J. Briggs

Attorneys for Plaintiff and Petitioner Citizens for a Friendly Airport

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION FOR WRIT OF MANDATE UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND OTHER LAWS

Exhibit "A"

Cory Briggs

From:

Microsoft Outlook

<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@briggslawcorp.com>

To: Sent:

'Andrew.Potter@sdcounty.ca.gov' Friday, January 24, 2025 2:33 PM

Subject:

Relayed: Notice of Commencement of Action (Corrected0

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'Andrew.Potter@sdcounty.ca.gov' (Andrew.Potter@sdcounty.ca.gov)

Subject: Notice of Commencement of Action (Corrected0



Notice of Commencemen...



99 East "C" Street, Suite 203 Upland, CA 91786 T: 909-949-7115 F: 909-949-7121

BLC File(s): 1977.03

24 January 2025

Andrew Potter, Board Clerk San Diego County Board of Supervisors 1600 Pacific Highway, Room 402 San Diego, CA 92101

Via E-mail to Andrew.Potter@sdcounty.ca.gov

Re:

Notice of Commencement of Action

Dear Board Clerk:

I represent Citizens for a Friendly Airport and am sending this Notice of Commencement of Action on my client's behalf.

Please be advised that an action is to be commenced by my client in San Diego County Superior Court against your agency. The action will challenge your agency's approval of the project that was the subject of Item 4 on the January 8, 2025 agenda of the Board of Supervisors (APPROVAL OF LEASE WITH AMERICAN AIRLINES, REPEAL, WAIVER, OR AMENDMENT OF BOARD POLICY F-44, AND RELATED CEQA FINDINGS), on the grounds that the approval violated the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.). The action may also challenge your agency's approval of the project based on one or more violations of other laws.

If you have any questions, please feel free to contact me.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

Cory J. Briggs