

1 BRIGGS LAW CORPORATION [FILE: 1977.03]
2 Cory J. Briggs (SBN 176284)
3 99 East "C" Street, Suite 203
4 Upland, CA 91786
5 Telephone: 909-949-7115

6 Attorneys for Plaintiff and Petitioner Citizens for a
7 Friendly Airport

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
1/27/2025 11:20:01 AM

Clerk of the Superior Court
By G. Lopez ,Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO – CENTRAL DIVISION

10 25CU004719C

11 CITIZENS FOR A FRIENDLY AIRPORT,

12 Plaintiff and Petitioner,

13 vs.

14 COUNTY OF SAN DIEGO; and DOES 1 through
15 100,

16 Defendants and Respondents;

17 AMERICAN AIRLINES, INC.; and DOES 101
18 through 1,000,

19 Defendants and Real Parties in
20 Interest.

CASE NO. _____

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

21 Plaintiff and Petitioner CITIZENS FOR A FRIENDLY AIRPORT ("Petitioner") alleges as
22 follows:

23 **Parties**

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.

1 **Notice Requirements and Time Limitations**

2 7. This lawsuit was commenced not more than 30 days after the notice authorized by Public
3 Resources Code Section 21152(a) was filed (if such a notice was filed).

4 8. Petitioner has caused a Notice of Commencement of Action to be served on Respondent,
5 as required by Public Resources Code Section 21167.5. A true and correct copy of the Notice of
6 Commencement of Action is attached to this pleading as Exhibit "A."

7 9. Petitioner will have caused a copy of this pleading to be served on the Attorney General
8 not more than 10 days after its filing, as required by Public Resources Code Section 21167.7 and Code
9 of Civil Procedure Section 388.

10 **Jurisdiction and Exhaustion of Administrative Remedies**

11 10. Petitioner seeks review by and relief from this Court under Public Resources Code
12 Section 21168 or 21168.5, as applicable; Government Code Section 65000 *et seq.*; and Code of Civil
13 Procedure Sections 526a, 1060 *et seq.*, and 1084 *et seq.*, among other provisions of law.

14 11. Petitioner exhausted administrative remedies to the extent required by law; by way of
15 example and without limitation, at least one of Petitioner's members expressed opposition to the
16 Project. Additionally and/or alternatively, Petitioner was not required to exhaust its administrative
17 remedies under the circumstances presented by the Project.

18 12. Respondent's conduct in approving the Project without complying with CEQA and other
19 applicable laws constitutes a prejudicial abuse of discretion because, as alleged in this pleading, it failed
20 to proceed in the manner required by law and made findings not supported by substantial evidence.

21 13. Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law, since
22 its members and other members of the public will suffer irreparable harm as a result of Respondent's
23 violations of CEQA and other laws. Respondent's approval of the Project also rests on its failure to
24 satisfy a clear, present, ministerial duty to act in accordance with those laws. Even when Respondent
25 is permitted or required by law to exercise its discretion in approving projects under those laws, it
26 remains under a clear, present, ministerial duty to exercise its discretion within the limits of and in a
27 manner consistent with those laws. Respondent has had and continues to have the capacity and ability
28 to approve the Project within the time limits of and in a manner consistent with those laws, but

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

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

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

7 15. Paragraphs 1 through 14 are fully incorporated into this paragraph.

8 16. Petitioner is informed and believes and on that basis alleges that the Project does not
9 comply with all applicable laws. By way of example and without limitation (including alternative
10 theories of liability):

11 A. The Project violates CEQA. For example:

12 i. Whenever a project proposed to be carried out or approved by a lead
13 agency has the potential to cause an adverse environmental impact, CEQA prohibits the agency from
14 relying on a negative declaration. Instead, CEQA requires the preparation of an environmental impact
15 report to identify and analyze the significant adverse environmental impacts of a proposed project,
16 giving due consideration to both short-term and long-term impacts, providing decision-makers with
17 enough information to enable them to make an informed decision with full knowledge of the likely
18 consequences of their actions, and providing members of the public with enough information to
19 participate meaningfully in the project's approval and environmental-review process. CEQA also
20 requires every environmental impact report to identify and analyze a reasonable range of alternatives
21 to a proposed project. CEQA further requires every environmental impact report to identify and analyze
22 all reasonable mitigation measures for a proposed project's significant adverse environmental impacts.
23 An environmental impact report must be prepared for a proposed project if there is a fair argument,
24 supported by substantial evidence in the administrative record, that the project may have an adverse
25 environmental impact; stated another way, a negative declaration may not be used unless the lead
26 agency determines with certainty that there is no potential for the project to have an adverse
27 environmental impact.

28

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

3 C. Injunctive relief prohibiting Defendants/Respondents and Defendants/Real Parties in
4 Interest (and any and all persons acting at the request of, in concert with, or for the benefit of one or
5 more of them) from taking any action on any aspect of, in furtherance of, or otherwise based on the
6 Project unless and until Defendants/Respondents comply with CEQA, the PZL, and all other applicable
7 laws, as determined by the Court;

8 D. Any and all other relief that may be authorized by CEQA, the PZL, or other applicable
9 laws, or any combination of them, but is not explicitly or specifically requested elsewhere in this Prayer;

10 E. Any and all legal fees and other expenses incurred by Petitioner in connection with this
11 lawsuit, including but not limited to reasonable attorney fees as authorized by the Code of Civil
12 Procedure; and

13 F. Any and all further relief that this Court may deem appropriate.

14 Date: January 24, 2025.

Respectfully submitted,

BRIGGS LAW CORPORATION

16 *Cory J. Briggs*

17 By:

Cory J. Briggs

18 Attorneys for Plaintiff and Petitioner Citizens for a
19 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: 'Andrew.Potter@sdcounty.ca.gov'
Sent: 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

A handwritten signature in black ink that reads 'Cory J. Briggs'.

Cory J. Briggs

