

FILED

JUL 31 2020

SAN LUIS OBISPO SUPERIOR COURT
BY Alyssa F. Goriesky
Alyssa F. Goriesky, Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

FRIENDS OF OCEANO DUNES, INC., a
California not-for profit corporation,

Petitioner and Plaintiff,

v.

CALIFORNIA COASTAL COMMISSION,
an agency of the State of California, and
DOES 1 to 50, Inclusive,

Respondent and Defendant.

CALIFORNIA DEPARTMENT OF PARKS
AND RECREATION, a department of the
State of California, and DOES 1-50,
inclusive,

Real Party in Interest, et al.

Case No.: 17CV-0576

**RULING ON PETITIONER'S
MOTION FOR ATTORNEYS' FEES**

The hearing on Petitioner Friends of Oceano Dunes, Inc.'s motion for attorneys' fees came on for hearing on July 15, 2020. Thomas Roth appeared on behalf of Petitioner; Mitchell Rishe on behalf of the California Coastal Commission and Department of Parks and Recreation; Jon Ansolabehere on behalf of San Luis Obispo County; Michelle

1 Gearhart on behalf of SLO County Air Pollution Control District; Molly Thurmond for
2 the City of Grover Beach; and John Sasaki and Adam Levitan appeared for the California
3 Air Resources Board. After considering the arguments of counsel, the Court took the
4 matter under submission and now adopts its tentative ruling, as more fully set forth herein.

5 On October 23, 2017, Friends of Oceano Dunes, Inc. (“Petitioner” or “Friends”),
6 an organization of off-highway vehicle enthusiasts, filed a Verified Petition for Writ of
7 Administrative Mandamus (Code Civ. Proc. § 1094.5) and/or Traditional Mandamus
8 (Code Civ. Proc. § 1085), and Complaint for Injunctive Relief. On October 4, 2018,
9 Petitioner filed its First Amended Verified Petition for Writ of Administrative Mandamus
10 (Code Civ. Proc. § 1094.5) and/or Traditional Mandamus (Code Civ. Proc. § 1085), and
11 Complaint for Injunctive Relief (the “Petition”). On March 19, 2019, the parties filed a
12 stipulation and order dismissing counts two and seven from the Petition.

13 After the dismissal of counts two and seven, the California Coastal Commission
14 (“Respondent” or the “Commission”) was the only remaining Respondent and Defendant.
15 The San Luis Obispo County Air Pollution Control District and its Board of Directors (the
16 “APCD”), the City of Grover Beach (“Grover Beach”), the California Department of
17 Parks and Recreation (“CDPR”) and the California Air Resources Board (“CARB”)
18 remained in the action solely as Real Parties-in-Interest.

19 Petitioner sought a writ for administrative mandamus pursuant to Code of Civil
20 Procedure section 1094.5 against the CCC for an alleged unlawful issuance of a coastal
21 development permit to CDPR for a public works project related to dust control measures
22 at the Oceano Dunes State Vehicular Recreation Area (“SVRA” or the “Oceano Dunes”).

23 On February 26, 2020, this Court issued a Final Judgment and Peremptory Writ
24 against the Commission.

25 Friends requests this Court award reasonable attorneys’ fees and costs under Code
26 of Civil Procedure section 1021.5 against the Commission. Friends argues that Section
27 1021.5 compels a fee award because Friends’ lawsuit resulted in a significant public
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