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COALITION TO SUPPORT PLASTIC BAG RECYCLING

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

COALITION TO SUPPORT PLASTIC BAG RECYCLING, an unincorporated association,

Petitioner,

v.

CITY OF OAKLAND, a municipal corporation, CITY COUNCIL OF THE CITY OF OAKLAND, collectively and in their official capacities, and DOES 1 through 20 inclusive,

Respondents.

CASE NO. RG07339097

~~[PROPOSED]~~ **JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE**

(Public Resources Code § 21168.9)

ASSIGNED FOR ALL PURPOSED TO:
JUDGE: FRANK ROESCH
DEPARTMENT: 31

BY FAX

The Petition of Coalition to Support Plastic Bag Recycling for Writ of Mandate came on regularly for hearing on January 29, 2008 in Department 31 of this Court, Judge Frank Roesch, Presiding. On April 17, 2008, this Court issued a Tentative Decision, to which no party objected. Thus, the Tentative Decision has become this Court's final Statement of Decision in this action.

NOW, THEREFORE, IT IS HEREBY ADJUDGED, DECREED AND ORDERED THAT:

1. Judgment granting a writ of mandate be entered in favor of Petitioner in this proceeding. Judgment is so entered because the Court finds that Respondents committed a prejudicial abuse of discretion and did not comply with the California Environmental Quality Act,

Public Resources Code sections 21000, *et seq.* ("CEQA"). The basis for the Judgment is set forth in the Court's Statement of Decision in this action, filed April 17, 2008.

2. A peremptory writ of mandate shall issue under the seal of this Court directing Respondents City of Oakland and the City Council of the City of Oakland to do all of the following:

a. Immediately upon service of this writ of mandate, Respondents and their agents shall suspend implementation and enforcement of Ordinance No. 12818 (the "Ordinance").

b. Within 120 days from service of the writ of mandate, Respondents shall vacate, rescind and set aside the Ordinance.

c. Respondents shall not re-enact the Ordinance unless and until Respondents have complied with CEQA and the CEQA Guidelines.

d. Respondents shall file a return to the peremptory writ of mandate within 120 days of service. The Court shall retain jurisdiction over Respondents' aforementioned proceedings by way of the return to the peremptory writ of mandate.

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

4. Petitioner, as the prevailing party in this action, shall recover costs in this proceeding ~~in the amount of $ _____ (exclusive of attorneys' fees).~~

IT IS SO ORDERED, ADJUDGED AND DECREED.

DATED: 5/15, 2008

HONORABLE FRANK ROESCH
JUDGE OF THE SUPERIOR COURT

Approved as to form:

DATED: May 7, 2008

KEVIN D. SIEGEL, Deputy City Attorney