IN THE SUPREME COURT OF CALIFORNIA
Case No. S212800

ORANGE CITIZENS FOR PARKS AND RECREATION, et al.
Petitioners,
v.
THE SUPERIOR COURT OF ORANGE COUNTY
Respondent;

MILAN REI IV LLC, et al.
Real Parties in Interest.

ORANGE CITIZENS FOR PARKS AND RECREATION, et al.
Plaintiffs and Appellants,
v.
MILAN REI IV LLC, et al.
Defendants and Respondents.

After a Decision by the Court of Appeal
Fourth Appellate District, Division Three
Case No. G047013 (consolidated with Case No. G047219)

Appeal from the Orange County Superior Court,
Case No. 30-2011-00494437
The Honorable Robert J. Moss, Judge Presiding

REPLY TO CITY OF ORANGE'S ANSWER TO PETITION FOR REVIEW

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INTRODUCTION

The central question in this case is whether a residential subdivision proposed by Respondent Milan is consistent with the City of Orange's 2010 General Plan.

Any member of the public examining the City's General Plan would find that its Land Use Policy Map sets forth the land uses permitted on all properties throughout the City. On this map, Milan's Property is designated solely "Open Space."

The General Plan also references a document called the "Orange Park Acres Plan," which it identifies as a "specific" or "neighborhood" plan that "must be consistent with" the General Plan. A member of the public who obtained a copy of this OPA Plan would likewise find that it designates Milan's Property solely for open space uses.

Based on these investigations, the only reasonable conclusion would be that the General Plan (as well as the OPA Plan) prohibits residential development on Milan's Property. Milan and the City initially came to this exact same conclusion. That is why in 2007 Milan requested—and in 2011 the Orange City Council approved—a General Plan Amendment ("GPA"), changing the designations for Milan's Property from Open Space to residential. The GPA, however, was rejected by the voters in November 2012.

Having lost at the ballot box, the City cannot simply "interpret" the General Plan as permitting what it expressly prohibits and incorporating what it expressly excludes. The Opinion below, however, condones the City's attempt to do just that.

While the City's legal arguments are often extraordinary, and the Fourth District's Opinion is unprecedented, the underlying facts presented by this case are not unusual. As the amicus letter submitted by the cities of Berkeley, Brisbane, and Menifee makes clear, many cities and counties have obsolete or long-forgotten land use designations in their archives that were presumed to be superseded by the current general plan.

The Fourth District's Opinion holds, for the first time, that these obsolete designations may in fact be controlling, even if they conflict with the land use designations on the face of the current general plan. The Opinion thus throws land use designations throughout California into doubt. Expensive and time-consuming investigations will be required for the most routine land use determinations, and the uncertainty created by the Opinion will have to be resolved over and over again by the courts.

Moreover, the voters frequently exercise their constitutional referendum power to reject unpopular land use decisions. The Opinion permits local officials to thwart the will of the voters simply by declaring, after the fact, that their own legislative acts were meaningless.

This Court's review is necessary to restore order and predictability to land use planning, reaffirm that general plans mean what they say, and confirm that the voters do indeed have the final legislative word.

ARGUMENT

I. MILAN'S PROJECT IS INCONSISTENT WITH THE 2010 GENERAL PLAN.

A. The General Plan's Open Space Designation Precludes Milan's Residential Project.

The City's 2010 General Plan contains a single designation for Milan's Property: the Open Space designation in the Land Use Policy Map. *See* Petition for Review ("Petition"), Ex. B at 7. The General Plan's Open Space Map likewise designates the Property solely for Open Space. *Id.* at 8. No other designation for Milan's Property appears anywhere in the City's General Plan.

To confirm that this is so, this Court need look no further than the General Plan excerpts attached to the Petition. The City objects to this approach, arguing that the General Plan cannot be interpreted outside the context of a 5,000 page administrative record. Answer at 6. But the City's approach subverts the very purpose of a general plan, which as the State's *General Plan Guidelines* explain, is to identify land use designations in "a diagram or diagrams, along with the general plan's text, . . . so that the

users of the plan, whether staff, elected and appointed officials, or the public, can reach the same general conclusion on the appropriate use of any parcel of land." Governor's Office of Planning and Research, *General Plan Guidelines* at 14 (2003).

In other words, a general plan "must be reasonably consistent and *integrated on its face,*" because otherwise "those subject to the plan cannot tell what it says should happen or not happen." *Kings County Farm Bureau v. City of Hanford,* 221 Cal.App.3d 692, 744 (1990) (emphasis added) (citations omitted). The public and city officials should not be required to sift through thousands of pages of archived documents to interpret the plain language of the City's general plan (*see id.*), and neither should the courts. *See Lesher Communications, Inc. v. City of Walnut Creek,* 52 Cal.3d 531, 543 (1990); Petition at 15.

Here, Milan's Development Agreement and residential Zone Change are blatantly inconsistent with the General Plan's unambiguous Open Space designation. Therefore, they are void *ab initio,* and Milan's Project cannot go forward. Indeed, this is exactly what the Third District concluded on nearly identical facts in *Midway Orchards v. County of Butte*, 220 Cal.App.3d 765 (1990). There, a county board of supervisors adopted a resolution changing a property's general plan designation from agricultural to residential. It then approved a development agreement for a residential project, finding it to be consistent with the newly amended

general plan. In response, county citizens filed a referendum petition. *Id.* at 770-71. The court held that because the referendum prevented the general plan amendment from taking effect, the development agreement was inconsistent with the existing general plan and therefore legally invalid. *Id.* at 783; *see also Lesher,* 52 Cal.3d at 544-45 (holding that a zoning ordinance that conflicts with the General Plan is "invalid *ab initio*").

B. The Open Space Designations in the 1989 and 2010 General Plans Are Duly Adopted Legislative Acts.

The City claims that the 2010 General Plan's Open Space designation is somehow invalid because it allegedly reflects only "ministerial omissions and scrivener errors of City staff, rather than . . . the official actions of the legislative body." Answer at 13-14.

This is patently untrue. "The adoption of a General Plan is a legislative act," as is its amendment. *Yost v. Thomas,* 36 Cal.3d 561, 570 (1984). Thus, when the City Council adopted its General Plans in 1989 and 2010 confirming the Property's Open Space designation, these were indisputably "official actions of the legislative body."

Moreover, there is absolutely no evidence that the City Council, in 1989 and 2010, did not intend for the plain language of the General Plan's Land Use Map to govern the Property's permitted uses. To the contrary, all indices point to the obvious conclusion that the City Council, in adopting the 1989 and 2010 General Plans, intended to do

precisely what those plans say it did: apply an Open Space designation to the Property. *See* Petition at 23, 29.

C. The OPA Plan Also Designates the Property Solely for Open Space Uses.

The City spends the bulk of its Answer arguing that the City Council acted reasonably when it found that the OPA Plan is assertedly *part* of the General Plan. However, the City conflates two distinct issues: (1) the land use designation of the Property in the OPA Plan; and (2) the status of the OPA Plan. While the City may have been inconsistent in how it treated the OPA Plan over the decades, it was never inconsistent with respect to the land use designation for Milan's Property.

Thus, prior to the adoption of the GPA, the OPA Plan that had been available and distributed to the public for nearly 40 years designated the Property exclusively for open space uses. *See* AR-11:5037 (OPA Plan); AR-6:2181-82, 2418 (environmental impact report ("EIR") for Milan's Project explaining same). Although the City tries to duck this reality, it does not—and cannot—dispute it. Rather, as the City expressly conceded below, the residential designation was simply "forgotten" from immediately after its adoption in 1973 until it was unearthed by Milan in 2009. Petitioners' Appendix below, Vol. II at 11:APP384 (lines 1-2); *see also* AR-4:1895, ¶ 4 (City Council finding in 2011 that "the textual changes recommended by the Planning Commission and approved by the City

Council [in 1973] were never entered into any official copy of the OPA Plan"). Indeed, no residential designation for the Property ever appeared on the face of *any* City Plan from 1973 to today.

Therefore, even if the City's "General Plan" is redefined to include both the official 2010 General Plan and the 1973 OPA Plan, *both* plans on their face currently designate the Property as Open Space and prohibit residential use.

D. The OPA Plan Is Not Part of the General Plan Because the General Plan Says It Is Not.

The OPA Plan, however, cannot be construed as "part of" the City's General Plan today for the simple reason that the 2010 General Plan says it is not.

The City's current General Plan—its "constitution" for development—clearly defines its relationship with the OPA Plan. It declares that the OPA Plan is an outdated specific or neighborhood plan that "must conform to" and "be consistent with" General Plan policies. Petition, Ex. B at 2, 6; *see id.* at 9-10 (same). Tellingly, the City avoids any mention of this controlling General Plan language.

Instead, the City repeatedly faults Orange Citizens for allegedly claiming that the OPA Plan is no longer in effect or was repealed by the 2010 General Plan. *E.g.,* Answer at 12. However, Orange Citizens contends no such thing. Rather, it simply maintains that the Court—and the

City—must give effect to the plain language of the 2010 General Plan and treat the OPA Plan as the subordinate specific or neighborhood plan that the General Plan informs the public it is. *See* Petition, Ex. B at 2, 6, 9-10; *see also City of Poway v. City of San Diego,* 229 Cal.App.3d 847, 852 n.2 (1991) (resolving the unclear status of a plan in similar circumstances by treating it as "a type of specific plan").

The City Council, of course, has the authority to change the status of the OPA Plan by adopting a General Plan amendment eliminating the references to the OPA Plan as a subordinate document and expressly incorporating it into the 2010 General Plan. The Council, however, never took such action. Instead, the Fourth District did so by judicial fiat, based on the City's argument that its *current* General Plan was somehow modified and amended by a handful of City resolutions that preceded the adoption of the 2010 General Plan by decades.

In defending the Opinion, the City reiterates this argument, relying most heavily on a 1989 resolution which stated that the OPA Plan was part of the general plan at that time. Answer at 10-11. Such historic resolutions, however, are irrelevant here, where the question is what constitutes the City's *current* General Plan. Moreover, these resolutions are contradicted by a series of more recent City Council resolutions that, since 2000, have consistently referred to the OPA Plan *not* as a part of the General Plan, but as a "specific plan." *See* Petition at 31 n.5. Even today,

the City's official Land Use Project Application Information Pack continues to provide procedures for "Specific Plan Amendment[s]" to the OPA Plan. Supplemental RJN014 (filed 01/30/13). And, in its EIR for the 2010 General Plan, the City specifically "acknowledge[d] the existence of the Orange Park Acres *Specific* Plan . . . . [as one of] a number of the specific plans currently in place [that] warrant review and update ... *to incorporate current planning.*" AR-14:6262 (emphasis added). In short, the City's citations provide no basis for ignoring the plain text of the 2010 General Plan.

E. The City's General Plan Is Only One Document.

The City insists that a general plan *may* consist of more than one document. Answer at 13. That is certainly true. However, the City's 2010 General Plan, on its face, does not. Petition, Ex. B at 1-3; AR-10:4044-50 (distinguishing between the "General Plan's" contents and other subordinate "Related Plans and Policies," including the OPA Plan and City zoning ordinances); *see also* Petition at 29-30; *compare Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles,* 177 Cal.App.3d 300, 310-11 (1986) (giving effect to general plan text that expressly incorporated earlier plans as "component parts" of general plan), *with Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova,* 40 Cal.4th 412, 443 (2007) (mere reference to an earlier

document does *not* incorporate it by reference as "part" of a later document). The City's cases do not remotely suggest otherwise.[1]

II. THE FOURTH DISTRICT'S OPINION CONFLICTS WITH ESTABLISHED PRECEDENT.

The City's Answer largely ignores the Open Space designations on the face of the General Plan and the OPA Plan. Instead, the City argues, the controlling designation is the residential designation set forth in the 1973 Planning Commission resolution that Milan unearthed in late 2009.

However, longstanding precedent establishes that this 1973 residential designation has no legal effect today. *See* Petition at 15-26 (discussing *Lesher* and *Poway, supra, Harroman Co. v. Town of Tiburon,* 235 Cal.App.3d 388 (1991), and other directly on-point cases). The Fourth District's determination that the 1973 residential designation is legally binding today directly contravenes each of these cases. The City's steadfast failure to mention, much less distinguish, any of these cases does not make the conflicts disappear.

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[1] *See* Answer at 13. In these cases, the status of the referenced plans is not even at issue. *See Vineyard Area Citizens,* 40 Cal.4th at 422 (addressing adequacy of an EIR for a "community plan"); *Gonzalez v. County of Tulare,* 65 Cal.App.4th 777, 780-81 (1998) (addressing limitations period for claim based on a "community plan"); *No Oil, Inc. v. City of Los Angeles,* 196 Cal.App.3d 223, 242 (1987) (status of "district plan" as element of general plan not at issue).

III. THE FOURTH DISTRICT DID NOT DEFER TO THE ACTUAL FINDINGS OF THE CITY COUNCIL, BUT INSTEAD ACCEPTED THE CITY'S POST-HOC LITIGATION POSITION.

The City's Answer is a plea for deference to the City Council's asserted findings that the Project is consistent with the existing General Plan. However, because the Council never made any such "findings," the requested deference is entirely unwarranted.

A. The Council Never Found that the Project Is Consistent with the Current General Plan, but Only with the General Plan *as Amended by the GPA*.

The City Council, in 2011, recognized the *necessity* of a general plan amendment to allow residential development of Milan's Property. That is why it adopted the GPA. Contrary to the City's assertions (Answer at 5), this amendment did not simply make "minor textual changes." Rather, as the Opinion correctly explains, the amendment replaced the existing Open Space designation on the 2010 General Plan Land Use Map with a "new map establishing the Property as 'Other Open Space & Low Density (1 ac).'" Opinion at 21. In addition, "[t]he land use and circulation plan map in the Orange Park Acres plan was changed from a golf course and local park designation to a low-density, one acre minimum lot designation." *Id.*

The Opinion thus recognizes that the GPA significantly modified the land use designations for the Property in both the General Plan

and the OPA Plan. The City ignores this part of the Opinion, and instead focuses on the Fourth District's ultimate legal conclusion: that, despite the changes acknowledged by the Court on page 21 of its Opinion, somehow "the City *did not amend* the land use designation of the Property by means of the General Plan Amendment." Opinion at 31 (emphasis in original). However, this conclusion cannot be reconciled with the plain text of the General Plan, or the GPA.

Moreover, to the extent the Fourth District relied upon the Council's resolution approving the GPA (*see id;* Answer at 7), such reliance is misplaced given that this resolution was referended by the voters and thus, as a matter of law, never took effect. *Midway Orchards,* 220 Cal.App.3d at 781-83. In any event, even if it were somehow valid despite the referendum, this resolution recognizes that the proposed residential designation is only consistent with the "General plan, as texturally [sic] amended*" by the proposed GPA*. AR-4:1950 ("*Upon approval of the proposed amendments to the General Plan*, the project is consistent with the goals and policies of the City's [2010] General Plan . . . .") (emphasis added).

In approving Milan's Development Agreement and Zone Change, the Council likewise found *not* that the Project approvals were consistent with the *existing* General Plan, but only that these approvals were consistent with the "General Plan, *as amended by General Plan*

Amendment 2007-0001." AR-4:1834 § III(A) (resolution approving Development Agreement) (emphasis added); AR-4:1828 § II (identical finding regarding Zone Change).

The City completely ignores these critical findings. Instead, it claims that "56 pages of findings" in the Project's EIR allegedly demonstrate that the Project is consistent with the General Plan *even without* the GPA. Answer at 7. However, the cited EIR pages do not remotely purport to address the Project's consistency with the General Plan land use designation for the Property. Rather, they simply discuss broad General Plan policies applicable to all properties citywide.[2]

The City completely ignores those portions of the EIR that *do* address the Property's land use designation. These portions unambiguously confirm the City's pre-litigation determination that Milan's Project is *inconsistent* with the existing General Plan Open Space designation. For example, the EIR expressly states that the Property's "General Plan" designation is "Open Space" and concludes that "[a]lthough the proposed project is *inconsistent* with the existing City General Plan land use designation for the project site, *upon approval of a General Plan*

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[2] *See, e.g.*, AR-7:2666 (discussing Policy 1.2: "Balance economic gains from new development while preserving the character and densities of residential neighborhoods.").

Amendment it would be in substantial compliance with the Land Use Element." AR-6:2182, 2388 (emphasis added).

The EIR further acknowledges, under the heading "General Plan Consistency," that its consistency determinations are "contingent on" the adoption of the GPA:

> The Draft EIR examines each of the City's General Plan Land Use Element goals and policies and concludes that, *contingent on passage of the proposed General Plan Amendment* the proposed project would be both consistent and in many cases further the City's policies . . . . *With the approval of the General Plan Amendment* all General Plan goals and policies would be met by the proposed project.

AR-7:2620 (emphasis added). The EIR goes on to state that the "General Plan designation of the project site on the City's Land Use Element map is Open Space" and that therefore "a General Plan amendment *continues to be necessary to provide consistency.*" AR-7:2621 (emphasis added)

In short, the City Council expressly made its consistency findings for Milan's Project *contingent on* the adoption of the GPA, and the EIR clearly acknowledges this.

B. Until the Referendum, Milan and the City Both Recognized that the GPA Was Critical to Project Approval.

The City Council's determination that the GPA was necessary to approve Milan's Project is hardly surprising. In addition to being self-evident, this conclusion is also exactly what Milan, City staff, and the City Attorney had been telling the City Council for the previous three years.

That a GPA was necessary to ensure the legally mandated consistency between the Project and the General Plan was, of course, taken for granted in all City planning documents from 2007 through 2009. *See* Petition at 7-8. Even after Milan came forward with its binder of historic resolutions in late 2009 (*see* Petition at 8), City staff still recognized that General Plan and OPA Plan amendments were needed to "[e]nable the project to be consistent with" these plans. AR-2:502-03 (5/3/2010 Staff Report).

Thus, in recommending approval of the GPA in July 2010, the Planning Commission found that "amendments to the City's General Plan and the [OPA] Plan *are required in order to make the uses specified within the Development Agreement compatible with the land use designations*." AR-1:33 (emphasis added); *accord* AR-1:155 (finding that the Project is "inconsistent with the existing City General Plan land use designation").

The City did thereafter briefly float the idea that it could somehow change the 2010 Land Use Map—the central feature of the General Plan Land Use Element—without calling this change a "General Plan Amendment." AR-8:3358, 3369. The City dropped this idea, however, after Orange Citizens demonstrated that such a tactic would be illegal. *See* AR-4:1370.

The City Attorney then reconfirmed the need for a GPA. AR-4:1450 (5/10/2011 memo to Council stating that "amendments to the General Plan are being proposed" to remove potential "internal inconsistencies"); AR-13:5641-42 (5/24/2011 statement to Council that "the intent of the General Plan Amendment" is to "clean up those inconsistencies").

And, of course, Milan continued throughout this period to urge the Council to adopt the GPA to ensure that its Project was "approvable." AR-4:1429 (5/9/2011 letter). Indeed, at the final City Council hearing on the GPA, Milan's representative emphasized to the Council that "the one point we agree with" Orange Citizens on is that *"you need to do a General Plan amendment."* AR-13:5434, lines 24-25 (emphasis added).

IV. THE FOURTH DISTRICT'S OPINION CANNOT BE RECONCILED WITH EXISTING CASE LAW UNDER ANY STANDARD OF REVIEW.

The City claims that, given the voters' rejection of the GPA, the question before the Court is: "[W]as the City Council's determination that the Project was consistent with the General Plan in the absence of the [GPA] reasonable?" Answer at 10.

However, as detailed above, the City Council never made any such consistency determination. Rather, it found *only* that the Project was consistent with the General Plan "as amended by [the] General Plan

Amendment." Accordingly, contrary to the City's unsupported assertions, there are no "consistency findings" to which the courts below could defer. This situation frequently occurs where, as here, an inconsistency between a project and the general plan is alleged to result from an initiative or referendum.

In such circumstances, the courts have simply determined whether the designations are inconsistent on their face. *See, e.g., See Midway Orchards,* 220 Cal.App.3d at 770-71, 783 (agricultural and residential designations inconsistent); *City of Irvine v. Irvine Citizens Against Overdevelopment,* 25 Cal.App.4th 868, 879 (1994) (residential and "reserve" designations inconsistent).

So, too, here. Milan's proposed residential designation is clearly inconsistent with the existing Open Space designations in the General Plan and the OPA Plan as a matter of law. *See Sierra Club v. Kern County,* 126 Cal.App.3d 698, 703-04 (1981) (residential and open space designations inconsistent).

Moreover, even if the Council had found that the Project was consistent with the existing General Plan—and it did not—such a finding could not withstand judicial scrutiny. A city's interpretation of its general plan is entitled to deference only where the language contains "ambiguity." *No Oil,* 196 Cal.App.3d at 244-45 (upholding City's interpretation of the term "industrial").

By contrast, as this Court has explained, neither a city nor a court can "interpret" its general plan in a manner contrary to its plain language. *Lesher*, 52 Cal.3d at 543 ("[T]he court may not add to the statute or rewrite it to conform to an assumed intent that is not apparent in its language."); *see also Floresta, Inc. v. City of San Leandro,* 190 Cal.App.2d 599, 610 (1961) (City Attorney's opinion "cannot change the plain meaning of the ordinance").

Moreover, "'deference is not abdication.'" *California Native Plant Soc. v. City of Rancho Cordova,* 172 Cal.App.4th 603, 642 (2009) ("*CNPS*") (citation omitted). Thus, in *CNPS,* the court determined the city's interpretation of the word "coordination" was "unreasonable" and that "deference to the City's interpretation of its general plan" was therefore "unwarranted." *Id.* Likewise, in *Endangered Habitats League , Inc. v. Orange County,* 131 Cal.App.4th at 782, 789 (2005), the court held that an agency "cannot articulate a policy in its general plan and then approve a conflicting project." *See also id.* at 783 (project that failed to meet traffic criteria using "unambiguous" methodology was inconsistent with the general plan); *Families Unafraid to Uphold Rural El Dorado County v. El Dorado County,* 62 Cal.App.4th 1332, 1336, 1341-42 (1998) (setting aside county consistency finding where the project clearly conflicted with a "fundamental, mandatory and specific land use policy").

Here, the City Council did not—and could not—find that Milan's residential subdivision was consistent with the General Plan's Open Space designation. The Fourth District's Opinion permitting Milan's Project to go forward in the face of this blatant inconsistency is contrary to every tenet of modern planning law.

Indeed, the Opinion effectively grants the City Council—and every other local governing body—the unfettered discretion to "interpret" a land use designation as meaning what the General Plan states on its face, *or precisely the opposite*, depending upon the whim of its current elected officials. To their credit, the cities of Berkeley, Brisbane, and Menifee have recognized in their amicus letter that, while this unprecedented deference might be desirable for those holding office at any particular moment, it will wreak havoc for land use planning throughout the State. *See* September 9, 2013 Amicus Letter at 4-10.

CONCLUSION

This Court should grant review to resolve the conflicts the Opinion creates with long-standing precedent of this and other courts.

DATED: September 19, 2013 SHUTE, MIHALY & WEINBERGER LLP

By: _____

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CERTIFICATE OF WORD COUNT

I certify that this petition contains 4,192, exclusive of this certificate and the tables of contents and authorities, according to the word count function of the word processing program used to produce the petition. The number of words in this petition complies with the requirements of Rule 8.504(d)(1) of the California Rules of Court.

DATED: September 19, 2013 SHUTE, MIHALY & WEINBERGER LLP

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PROOF OF SERVICE

Orange Citizens for Parks and Recreation, et al.
v. Milan Rei IV LLC, et al.
California Court of Appeal, Fourth Appellate District, Division 3,
Case No. G047219
Orange County Superior Court, Central Judicial District,
Case No. 30-2011-00494437

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

On September 19, 2013, I served true copies of the following document(s) described as:

REPLY TO CITY OF ORANGE'S ANSWER TO PETITION FOR REVIEW

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Shute, Mihaly & Weinberger LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on September 19, 2013, at San Francisco, California.

David Weibel

SERVICE LIST

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California Court of Appeal, Fourth Appellate District, Division 3,
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