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CITY ATTORNEY'S OFFICE

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

TERESA A. RISI
CLERK OF THE SUPERIOR COURT
~~Sally Lopez~~ DEPUTY

Case No.: M116731

Turn Down the Lights,

Plaintiff/Petitioner,

vs.

City of Monterey,

Defendant/Respondent

REQUEST FOR FURTHER BRIEFING

Writ of Mandate was heard on May 11, 2016. After oral arguments, the court took the matter under submission. Now, at a later time, the court requires supplemental briefing in response to the following questions:

- 1) Petitioner contends that the City Council failed to provide "public notice accurately describing the City Council's proposed action in November 2011." What does Petitioner contend would have constituted such notice? In what manner does Petitioner contend the City was required to provide such notice to the public? What is the authority for Petitioner's responses to these questions?
- 2) The City Council meeting's agenda states, "public appearance items . . . do not require formal noticing as public hearings." What is the authority for this assertion? What are the requisite components for noticing "public appearance items" under applicable law? Did the City comply with these requirements? If so, how? What are the requisite components of "formal noticing" under applicable law? Did the City comply with these requirements? If so, how?
- 3) Assuming arguendo that the Project were found to be within the scope of the "Class 2" categorical exemption, would the unusual circumstances exception [Guidelines, § 15300.2 (c)] apply? Why or why not?

Petitioner shall file and serve its opening supplemental briefing no later than September 12, 2016. The City shall file and serve its supplemental briefing no later than September 26,

1 2016. Petitioner shall file and serve its reply supplemental briefing no later than October 3,
2 2016.

3 Opening supplemental briefing shall not exceed 20 pages. Reply supplemental briefing shall
4 not exceed 10 pages."

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Dated: **AUG 0 1 2016**

Lydia M. Villarreal
Judge of the Superior Court
Lydia M. Villarreal

CERTIFICATE OF MAILING
(Code of Civil Procedure Section 1013a)

I do hereby certify that I am employed in the County of Monterey. I am over the age of eighteen years and not a party to the within stated cause. I placed true and correct copies of the **REQUEST FOR FURTHER BRIEFING** for collection and mailing this date following our ordinary business practices. I am readily familiar with the Court's practices for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Services in Salinas, California, in a sealed envelope with postage fully prepaid. The names and addresses of each person to whom notice was mailed is as follows:

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Dated: **AUG 01 2016**

Teresa A. Risi, Clerk of the Superior Court,
Sally Lopez
_____, Deputy Clerk
Sally Lopez