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5 Attorneys for Petitioner
6 FOOTHILL COMMUNITIES COALITION

ELECTRONICALLY FILED
Superior Court of California,
County of Orange
07/27/2011 at 08:00:00 AM
Clerk of the Superior Court
By Rebecca Bojorques, Deputy Clerk

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ORANGE – CENTRAL JUSTICE CENTER

10
11 FOOTHILL COMMUNITIES)
COALITION, and unincorporated)
12 association)
13 Petitioner,)
14 v.)
15 COUNTY OF ORANGE, ORANGE)
COUNTY BOARD OF SUPERVISORS,)
16 DOES 1 through 10, inclusive,)
17 Respondents,)
18 _____)
19 ROMAN CATHOLIC DIOCESE OF)
ORANGE, KISCO SENIOR LIVING,)
20 LLC, and DOES 11 through 25, inclusive,)
21 Real Parties in Interest.)
22 _____)

**Case No. 30-2011-00467132-
CU-WM-CXC**

Reassigned for all Purposes to the
Honorable Judge Gail A. Andler

**JOINT STATUS
CONFERENCE REPORT**

Date: August 2, 2011
Time: 9:00 a.m.
Dept: CX 101

[Action Filed: April 14, 2011]

23
24 Petitioner Foothill Communities Coalition (“FCC”), respondents County of Orange and
25 Orange County Board of Supervisors (collectively, “Respondent”), and real parties in interest
26 Roman Catholic Diocese of Orange and Kisco Senior Living, LLC (collectively, “RPI”), submit
27 this Joint Status Conference Statement pursuant to the Court’s Minute Order dated July 6, 2011
28 (FCC, Respondents and RPI are collectively referred to as the “Parties”):

1 **1. CASE INITIATION**

2 On April 14, 2011, FCC filed a *Verified Petition for Writ of Mandate; Complaint for*
3 *Declaratory Relief* (“*Petition*”) alleging violations of the California Environmental Quality Act
4 (Pub. Resources Code §§ 21000, *et seq.*: “CEQA”) and the Planning and Zoning Law (Gov.
5 Code § 65000, *et seq.*). The Summons, *Petition*, Notice to Prepare and Certify the Record of
6 Proceeding, Civil Case Cover Sheet and Alternative Dispute Resolution Packet were served on
7 Respondent by personal service on April 27, 2011, and on RPI by mail service on April 26,
8 2011. Petitioner provided the California Attorney General with a conformed copy of the *Petition*
9 by mail on April 25, 2011. On May 23, 2011, Petitioner provided notice of this CEQA action
10 to each of the responsible and trustee agencies identified in Respondent’s May 11, 2011 notice
11 specifying the relevant agencies.

12 Respondent appeared in this action by serving and filing the Notice of Mandatory
13 Settlement Meeting on May 16, 2011. RPI appeared in this action by serving and filing a Motion
14 for Peremptory Challenge Under Code of Civil Procedure Section 170.6 on June 14, 2011.

15 **2. PROCEDURAL STATUS OF CEQA ACTION**

16 Civil Complex Filing Fees: Under the Orange County Superior Court, Civil Complex
17 Center’s Fee Schedule, one payment of the \$550.00 civil complex filing fee is required for each
18 party. Petitioner paid the complex fee upon filing this CEQA action on October 14, 2011. RPI
19 has not yet paid the civil complex filing fee. Respondent has not paid the civil complex filing
20 fee and is not required to pay it under Government Code section 6103 because Respondent is a
21 local government agency.

22 Request for Preparation of Record of Proceedings: As noted above, the Petitioner
23 personally served Respondent with its Request for Preparation of the Record of Proceedings on
24 April 27, 2011, consistent with Public Resources Code section 21167.6. On July 18, 2011, the
25 Parties stipulated that the administrative record for this action will be certified and lodged with
26 the Court on or before August 10, 2011.

27 Request for Hearing on Merits of *Petition*: On July 18, 2011, the Parties stipulated that
28 Petitioner has until September 7, 2011, to file and serve its request for a hearing date in this

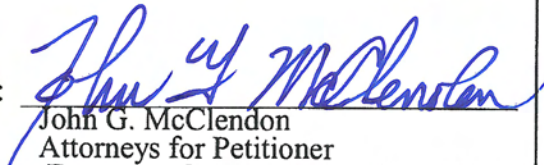
1 action pursuant to Public Resources Code Section 21167.4. However, the Parties have agreed
2 to the following mutually agreeable briefing schedule and hearing date for this action:

3 4	Petitioner's Opening Brief (30 pages maximum, exclusive of tables)	Monday, October 17, 2011
5	Respondents' & RPI's Responsive Briefs (a collective 50 pages maximum, exclusive of tables)	Monday, November 21, 2011
6 7	Petitioner's Reply Brief (25 pages maximum, exclusive of tables)	Wednesday, December 14, 2011
8	Hearing Date	January 16 or 23, 2012

9 Mandatory Settlement Meeting: As noted above, on May 16, 2011, Respondent filed and
10 served a Notice of Settlement Meeting pursuant to Public Resources Code section 21167.8,
11 setting the meeting for June 10, 2011. That meeting was continued, and on June 14, 2011,
12 Respondent filed and served a Notice of Continued Settlement Meeting for June 16, 2011, at
13 which time the Parties met and agreed to continue the meeting to July 18, 2011. However, FCC
14 was not able to finalize its settlement proposal in time for that meeting, and the Parties currently
15 need to set a mutually agreeable date for the next meeting.

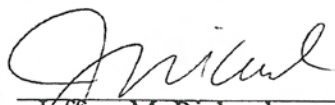
17 Dated: July 26, 2011

LEIBOLD McCLENDON & MANN, P.C.

18
19 By: 
20 John G. McClendon
21 Attorneys for Petitioner
22 Foothill Communities Coalition

23 Dated: July 26, 2011

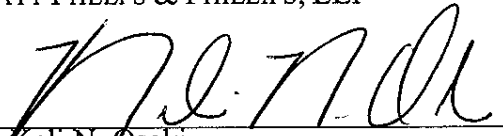
COUNTY COUNSEL, COUNTY OF ORANGE

24
25 By: 
26 Jeffrey M. Richard,
27 Senior Assistant County Counsel
28 Attorneys for Respondents
COUNTY OF ORANGE AND ORANGE
COUNTY BOARD OF SUPERVISORS

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Dated: July 26, 2011

MANATT PHELPS & PHILLIPS, LLP

By: 
Keli N. Osaki
Attorneys for Real Parties in Interest
ROMAN CATHOLIC DIOCESE OF ORANGE
AND KISCO SENIOR LIVING, LLC

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PROOF OF SERVICE
[Code Civ. Pro. § 1013a; revised. 5/1/88]

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 23422 Mill Creek Drive, Suite 105, Laguna Hills, California 92653.

On July 26, 2011, I served, in the manner indicated below, the foregoing document(s) described as "**JOINT STATUS CONFERENCE REPORT**" on interested parties in this action by sending the true copy thereof addressed as follows:

Attorneys for Respondents:
Nicole Walsh, Deputy County Counsel
Nicholas S. Chrisos, County Counsel
333 West Santa Ana Boulevard, Suite 407
Santa Ana, California 92702-1379
Telephone: (714) 834-6257
Facsimile: (714) 834-2359
E-mail: nicole.walsh@coco.ocgov.com

Attorneys for Real Parties in Interest:
Keli N. Osaki
Manatt, Phelps & Phillips, LLP
695 Town Center Drive, 14th Floor
Costa Mesa, California 92626
Direct Dial: (714) 371-2539
Facsimile: (714) 338-2769
E-mail: kosaki@manatt.com

____ (By Mail) I caused the envelopes containing such document(s) with postage thereon fully prepaid to be placed in the United States mail at Laguna Hills, California. I am "readily familiar" with the firm's practice of processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Laguna Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

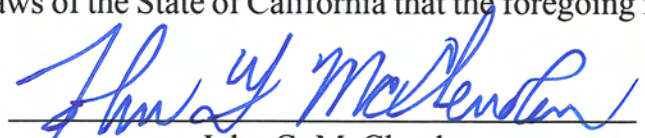
XX (By E-Mail Transmission) By agreement of the parties, I caused such document(s) to be sent by electronic mail transmission in "*.pdf" format to each such person at the e-mail addresses listed below their addresses, and I did not receive, within a reasonable time thereafter, any message or other indication that the transmission was unsuccessful.

____ (By Overnight Express) I caused such envelope(s) to be placed in the OVERNITE EXPRESS drop box located in Laguna Hills, California, for overnight delivery to the above addressee.

____ (By Fax) I caused such documents to be transmitted to the facsimile number(s) shown above, and a transmission report issued by my fax machine reported the transmission as complete and without error to the number(s) shown above.

Executed on July 26, 2011, in Laguna Hills, California.

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



John G. McClendon