

DOCKETED

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ORIGINAL

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FILED
Superior Court of California
County of Los Angeles

SEP 08 2015

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8 AES SOUTHLAND DEVELOPMENT, LLC, and
AES REDONDO BEACH, LLC

D82 Luis A. Lavin

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

12 **BS157789**

13 AES SOUTHLAND DEVELOPMENT, LLC,
a Delaware limited liability company;
14 AES REDONDO BEACH, LLC,
a Delaware limited liability company,

CASE NO.

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY RELIEF**

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16 Petitioners and Plaintiffs,

(Code Civ. Proc. §§ 1085, 1060 *et seq.*)

17 v.

18 CALIFORNIA COASTAL COMMISSION;
and DOES 1 through 100,

19 Respondents and Defendants.
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CIT/CASE: BS157789
LEA/DEF#:
RECEIPT #: CCH195707047
DATE PAID: 09/08/15 02:17 PM
PAYMENT: \$435.00
RECEIVED:
CHECK: \$435.
CASH: \$0.
CHANGE: \$0.
CARD: \$0.

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1 AES Southland Development, LLC, and AES Redondo Beach, LLC (collectively,
2 "AES"), bring this action to compel the California Coastal Commission (the "Commission") to
3 follow the law. AES Redondo Beach, LLC ("AES Redondo"), owns and operates the Redondo
4 Beach Generating Station, a site that has been used to provide electricity to the residents of the
5 City of Redondo Beach and Southern California for over a century. The Commission has
6 violated the law by exceeding its statutory authority and attempting to classify 5.93 acres of the
7 Redondo Beach Generating Station site as Commission-jurisdictional wetlands. The area
8 identified by the Commission as "jurisdictional wetlands" includes four concrete-lined retention
9 basins (that held oil tanks until as recently as 2006) and a constructed pit (collectively, the
10 "Retention Basins"). The 5.93 acres of long-developed industrial land the Commission claims to
11 be "jurisdictional wetlands" do not demonstrate natural wetland conditions. Instead, the features
12 of this area that the Commission claims support its determination, including the occasional
13 presence of water, are the result of artificially induced hydrological conditions created at least in
14 part by a long-running injection well project operated by the Los Angeles County Department of
15 Public Works ("LACDPW") to prevent seawater intrusion into the groundwater aquifer. These
16 conditions in no way support a determination that the site contains jurisdictional wetlands under
17 the California Coastal Act's definition of the term. At a July 8, 2015, public meeting, the
18 Commission approved this wetlands determination as part of a report commenting on AES'
19 proposed Redondo Beach Energy Project (the "Project"), a new, modern natural-gas fired
20 combined-cycle power plant that would replace the Redondo Beach Generating Station. AES is
21 informed and believes that the Commission took its unlawful action because it believes that a
22 wetlands finding could potentially stop the Project, which is now pending before the Energy
23 Resources Conservation and Development Commission, also known as the California Energy
24 Commission ("CEC"). However, the Commission had no authority to determine that the 5.93
25 acres are jurisdictional wetlands. Its alleged "decision" failed to comply with the law and is not
26 supported by substantial evidence.

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I. BACKGROUND

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2 1. This is a challenge to the Commission's action improperly designating
3 5.93 acres of the Redondo Beach Generating Station site as Commission-jurisdictional wetlands
4 under the California Coastal Act. The Coastal Act broadly defines a "wetland" as "land[] within
5 the coastal zone which may be covered periodically or permanently with shallow water and
6 include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps,
7 mudflats, and fens." (Pub. Res. Code § 30121.) The areas designated by the Commission as
8 wetlands do not meet this definition.

9 2. The Redondo Beach Generating Station is an electrical generating facility
10 located in the City of Redondo Beach. The Redondo Beach Generating Station is located on an
11 approximately 50-acre property adjacent to the King Harbor area, near the boundary of the City
12 of Redondo Beach and the City of Hermosa Beach (the "Site").

13 3. The Retention Basins the Commission asserts to be "jurisdictional
14 wetlands" are concrete lined retention basins that contained oil tanks until 2006. The Retention
15 Basins do not contain natural "wetlands." In fact, AES is informed and believes that any alleged
16 wetland characteristics occurring in the Retention Basins are the result of artificial hydrological
17 conditions in the area of the Site.

18 4. The Site has been dedicated to power generation since approximately
19 1905. Beginning in about 1917 and for over seventy years, Southern California Edison ("SCE")
20 owned and operated the various power plant projects on the Site. AES Redondo purchased the
21 Redondo Beach Generating Station portion of the Site from SCE in 1998, and acquired the
22 remainder of the Site from SCE, including the Retention Basins, in 2000.

23 5. Since the 1960s, LACDPW has operated an injection well program near
24 the Site and the Retention Basins, in order to maintain a salt water intrusion barrier for
25 groundwater supply protection. The groundwater table has become artificially high due to this
26 injection program, resulting in some water intrusion in the Retention Basins that has necessitated
27 dewatering at the Site. Due to water intrusion in the Retention Basins caused by this injection
28 program and two dewatering pumps operating below capacity on the Site to reduce artificially

1 high water levels, the Commission wrongly asserts that the Retention Basins are “jurisdictional
2 wetlands.”

3 6. In the 1960s, it appears that as a result of LACDPW’s injection well
4 program, rising groundwater at the Site began to cause ponding of surface water in portions of
5 the Retention Basins. To that end, AES is informed and believes that in the mid-1960s, former
6 owner SCE began to install dewatering wells around the area of the Retention Basins to address
7 the ponding resulting from LACDPW’s injection well program. The dewatering system at the
8 Retention Basins has been in existence for many years, and AES Redondo occasionally conducts
9 periodic repair and maintenance to the system to ensure it is functioning as originally intended.

10 7. AES has proposed the development of the Project, a new, modern
11 natural-gas fired combined-cycle power plant, to be located at the Site. In November 2012, AES
12 Southland Development, LLC (“AES Southland”), submitted an Application for Certification to
13 the CEC, to decommission and remove the Redondo Beach Generating Station and replace it
14 with the Project. The Project includes approximately 10.5 acres of the Site and would generate
15 496 megawatts for the benefit of Southern California.

16 8. In response to AES Southland’s pending Application for Certification with
17 the CEC for the Project, at a public meeting on July 8, 2015, the Commission approved and
18 issued Findings and Recommended Specific Provisions to the CEC Pursuant to Coastal Act
19 Section 30413(d) (the “Findings”). The Findings include a statement that “proposed project
20 would result in filling and loss of approximately 5.93 acres of Coastal Commission-jurisdictional
21 wetlands.” As a result of this alleged “determination,” the Findings recommend that the CEC
22 require AES to “provide funding to support an existing or soon to be established salt marsh or
23 estuary habitat restoration project to fully mitigate for impacts to Coastal Commission wetlands.
24 Permanent impacts shall be mitigated at a 4:1 ratio. Mitigation shall occur as close to the site of
25 impact as possible. Mitigation shall be in kind and consist of at least 23.72 acres of salt marsh or
26 estuary habitat restoration.”

27 9. AES is informed and believes that the Commission contends that its
28 July 8, 2015, approval of the Findings was a final determination that the Site contains

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1 jurisdictional wetlands under the Act, and that the Commission's determination cannot be further
2 challenged at an administrative level before the Commission in any future enforcement or permit
3 proceeding.

4 10. The Commission's alleged "determination" in the Findings is unlawful for
5 several reasons. First, the evidence does not support the Commission's "determination" that the
6 Site contains Commission-jurisdictional wetlands pursuant to the Coastal Act's definition of the
7 term. Second, the Commission's July 8, 2015, action did not involve a coastal development
8 permit or enforcement action with respect to the Site, and so cannot be deemed a final
9 determination that the Site contains jurisdictional wetlands under the Act. Further, the
10 Commission made its Findings without legal authority, as the Commission purported to make
11 those findings under Section 30413(d) of the Coastal Act, which is irrelevant to the Project's
12 Application for Certification currently pending before the CEC.

13 11. To preserve AES' rights, and to prevent further harm to AES and the
14 Project, AES seeks: (i) a writ of mandate commanding the Commission to revoke and rescind
15 the Findings and accompanying wetland determination; (ii) a declaration that the Retention
16 Basins are not Commission jurisdictional-wetlands; and (iii) any other relief this Court deems
17 appropriate.

18 **II. THE PARTIES**

19 12. Petitioner and Plaintiff AES Southland is a Delaware limited liability
20 company that functions as a development company and is the entity seeking a license for the
21 Project from the CEC. AES Southland is a wholly owned subsidiary of The AES Corporation
22 and is the entity named in the Commission's July 8, 2015, Findings.

23 13. Petitioner and Plaintiff AES Redondo is a Delaware limited liability
24 company that owns the Site, including the Retention Basins, and operates the Redondo Beach
25 Generating Station, an important source of clean and reliable electricity that is capable of
26 generating 1,310 megawatts, which is enough power to light more than one million California
27 homes and businesses.

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1 14. Respondent and Defendant the Commission is a public agency charged
2 with regulation and administration of land use and development in the coastal zone of California.
3 The Commission was established by the California Coastal Act of 1976 (the "Act"), Public
4 Resources Code Section 30000 *et seq.* Under the Act, development within the coastal zone may
5 not commence until a coastal development permit has been issued by either the Commission or a
6 local government that has a Commission-certified local coastal program. In addition, under the
7 Act, the Commission has the authority to institute administrative enforcement proceedings for
8 unpermitted development that is not otherwise exempt from permitting requirements.

9 15. AES does not know the names or capacities of the respondents and
10 defendants named herein as Does 1-100 and will amend this Petition and Complaint when their
11 names and capacities have been ascertained.

12 **III. JURISDICTION AND VENUE**

13 16. This Court has jurisdiction to issue writs of mandate pursuant to Code of
14 Civil Procedure Section 1085, and to render judicial determinations and to issue declarations
15 under Code of Civil Procedure Section 1060. Specifically, AES alleges that the Commission did
16 not have substantial evidence to support its wetland determination in the Findings.

17 17. This Court also has jurisdiction over this matter pursuant to Code of Civil
18 Procedure Section 1085 in that AES alleges that the Commission has proceeded, and continues
19 to proceed, in excess of its regulatory jurisdiction. Specifically, the Commission has improperly
20 proceeded under Section 30413(d) of the Act, rather than Section 30413(e), when making the
21 Findings and mitigation recommendations on the Application for Certification for the Project
22 currently proceeding before the CEC. Further, the Commission has improperly determined the
23 presence of jurisdictional wetlands at the Site in the absence of a specific proceeding under the
24 Act involving the Site—*i.e.*, a permit proceeding or enforcement proceeding where public
25 hearings and the receipt of evidence is required under the Act. AES has no plain, speedy, and
26 adequate remedy in the ordinary course of law for this unlawful conduct.

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1 18. Venue in this Court is proper pursuant to Code of Civil Procedure
2 Section 393 in that the Commission is an agency of the State of California and the cause, or
3 some part of the cause, arose in the County of Los Angeles.

4 19. Los Angeles County Superior Court Rule 2.3(a)(1)(B) authorizes the filing
5 of this Petition and Complaint in the Central District of the Los Angeles County Superior Court.

6 20. AES is informed and believes it has exhausted its administrative remedies
7 with respect to the Commission's alleged determination of jurisdictional wetlands, if and to the
8 extent that such remedies existed.

9 **IV. STATUTORY AND REGULATORY FRAMEWORK**

10 21. Pursuant to the Warren-Alquist Act, commencing with Public Resources
11 Code Section 25500, the CEC has exclusive siting authority over thermal electric power plants of
12 50 megawatts or greater capacity proposed to be built in California.

13 22. The Warren-Alquist Act distinguishes between the types of permitting
14 proceedings that may be conducted by the CEC. For example, a Notice of Intention to Submit an
15 Application for Certification ("NOI proceedings") analyzes the suitability of potential locations
16 to site a new facility. (Pub. Res. Code §§ 25502, 25503.) Application for Certification
17 proceedings analyze whether a particular site and related facility are suitable for certification,
18 and may or may not follow NOI proceedings. (Pub. Res. Code § 25519.)

19 23. Section 30413(d) of the Act provides that "[w]henver the [CEC] exercises
20 its siting authority and undertakes proceedings pursuant to the provisions of Chapter 6
21 (commencing with Section 25500) of Division 15 with respect to any thermal power plant or
22 transmission line to be located, in whole or in part, within the coastal zone, the [C]ommission shall
23 participate in those proceedings and *shall receive from the [CEC] any notice of intention to file an
24 application for certification of a site and related facilities within the coastal zone. The
25 commission shall analyze each notice of intention and shall, prior to completion of the preliminary
26 report required by Section 25510, forward to the State Energy Resources Conservation and
27 Development Commission a written report on the suitability of the proposed site and related
28 facilities specified in that notice*" (Pub. Res. Code § 30413(d), emphasis added.) This

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1 language in this section clear that the 30413(d) report applies to NOI proceedings, not Applications
2 for Certification. (See also Pub. Res. Code § 25507(a) [“The California Coastal Commission shall
3 analyze the notice and prepare the report and findings prescribed by subdivision (d) of
4 Section 30413 prior to commencement of hearings pursuant to Section 25513.”].)

5 24. Outside of NOI proceedings, under Public Resources Code
6 Section 30413(e), the Commission may, at its discretion, participate in other power plant siting
7 proceedings conducted by the CEC and “shall be afforded full opportunity to present evidence
8 and examine and cross-examine witnesses.”

9 25. There is no pending NOI proceeding regarding the Project. Rather, the
10 Project is undergoing the Application for Certification process before the CEC. As such, in
11 acting on the Commission’s Findings, the Commission mistakenly assumed that if it chooses to
12 participate in the Application for Certification for the Project currently proceeding before the
13 CEC, the requirements of Section 30413(d) apply. However, such participation is governed by
14 Public Resources Code Section 30413(e) rather than Section 30413(d), because the plain
15 language of Section 30413(d) applies only to NOI proceedings to determine an appropriate site
16 for a proposed facility.

17 26. The Act defines a “wetland” as “lands within the coastal zone which may
18 be covered periodically or permanently with shallow water and include saltwater marshes,
19 freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.” (Pub.
20 Res. Code § 30121.)

21 27. The Act requires that any person “wishing to perform or undertake
22 development in the coastal zone, other than a facility subject to Section 25500”—*i.e.*, the
23 Warren-Alquist Act—to obtain a coastal development permit. (Pub. Res. Code § 30600(a).)
24 There are many exemptions from permitting requirements. (E.g., Pub. Res. Code § 30610.) The
25 permitting process is administered either by the Commission, or if the Commission has certified
26 a local agency’s local coastal program, by that local agency. (Pub. Res. Code §§ 30600,
27 30600.5, 30601, 30603.) The Commission must hold a public hearing and accept evidence when
28 considering a proposed coastal development permit. (Pub. Res. Code § 30621.)

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1 28. The Act also gives administrative enforcement authority to the
2 Commission. For instance, the Executive Director of the Commission or the Commission itself
3 can issue Cease and Desist Orders when a person has undertaken unpermitted development.
4 (Pub. Res. Code §§ 30809, 30810.) The Commission can issue Restoration Orders to bring
5 about the removal of unpermitted development and/or restore coastal resources. (Pub. Res. Code
6 § 30811.) And the Commission may record a “Notice of Violation” against a property that has
7 been developed in violation of the Act. (Pub. Res. Code § 30812.) Each of these require notice
8 and an opportunity to be heard. (Pub. Res. Code §§ 30809(b), 30810(c), 30811, 30812(b)-(d).)

9 29. The goals of the Act’s permitting and enforcement regimes are to ensure
10 that development in the coastal zone is consistent with the Act and/or the certified local coastal
11 program. Contrary to those goals, nothing in Section 30413(e) gives the Commission authority
12 to determine whether a project subject to the CEC’s jurisdiction is consistent with the Act.

13 **FIRST CAUSE OF ACTION**

14 **(WRIT OF MANDATE)**

15 30. Petitioners and Plaintiffs AES incorporate herein paragraphs 1 through 29,
16 inclusive, as though fully set herein.

17 31. Code of Civil Procedure Section 1085, subdivision (a), authorizes this
18 Court to issue a writ of mandate to any inferior tribunal, corporation, board, or person “to compel
19 the performance of an act which the law specifically enjoins.”

20 32. The Commission used subjective, arbitrary, and unrepresentative criteria
21 beyond those specified in the Act to determine that the Retention Basins are
22 Commission-jurisdictional wetlands.

23 33. The Commission and its Findings lack substantial evidence to determine
24 the Retention Basins are Commission-jurisdictional wetlands and therefore the mitigation
25 determination is fundamentally flawed.

26 34. The Commission erred by issuing its Findings through Public Resources
27 Code Section 30413(d) rather than Public Resources Code Section 30413(e). Section 30413(d)
28 is inapplicable to the Application for Certification for the Project currently before the CEC.

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1 35. To the extent the Commission relies its July 8, 2015, Findings as a formal
2 determination regarding jurisdictional wetlands at the Site, the Commission cannot lawfully
3 make such reliance, as the adoption of the Findings did not involve a proceeding subject to the
4 Commission's permitting or enforcement authority under the Act, and instead served solely to
5 provide comments on a project being considered by another regulatory body.

6 36. AES has a clear, present and beneficial interest in the issuance of a writ of
7 mandate by virtue of the facts set forth above, in that it is adversely affected by the actions of the
8 Commission.

9 37. Because of the foregoing conduct, the Commission's actions in excess of
10 its authority require this Court to issue a writ of mandate commanding the Commission to
11 rescind its unlawful actions and henceforth to comply with the law.

12 **SECOND CAUSE OF ACTION**

13 **(DECLARATORY RELIEF)**

14 38. Petitioners and Plaintiffs AES incorporate herein paragraphs 1 through 37,
15 inclusive, as though fully set forth herein.

16 39. An actual controversy exists between AES and the Commission involving
17 substantial questions pertaining to the Commission's determination that the Retention Basins are
18 jurisdictional wetlands under the Act. AES alleges that the Commission did not comply with the
19 Act concerning issuing the Findings or the determination that the Retention Basins are
20 Commission-jurisdictional wetlands. Accordingly, declaratory relief is appropriate and
21 necessary to determine that the Retention Basins are not Commission-jurisdictional wetlands.

22 40. To remedy the Commission's failure to follow the law and to confine itself
23 to its legal authority, AES requests a declaration of the rights and the duties of the Commission
24 with respect to the Act, including a declaration that the Commission improperly determined the
25 Retention Basins are Commission-jurisdictional wetlands, that the Commission's mitigation
26 determination is invalid, and that the Commission exceeded its authority under the Act.

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1 41. Such a declaration is a necessary and proper exercise of the Court's power
2 at this time under the circumstances, in order to prevent further actions by the Commission in
3 violation of the Act.

4 **PRAYER FOR RELIEF**

5 Wherefore, Petitioners and Plaintiffs AES pray for relief as follows:

6 **ON THE FIRST CAUSE OF ACTION**

7 That this Court issue a peremptory writ of mandate commanding the Commission:

- 8 (a) to rescind or cause to be rescinded Findings and the Commission's
9 determination that the Retention Basins are Commission-jurisdictional wetlands; and
10 (b) not to take or permit any actions that rely in any way on the previous
11 determination that the Retention Basins are Commission-jurisdictional wetlands.

12 **ON THE SECOND CAUSE OF ACTION**

13 That the Court declare the respective rights and duties of the parties, and that by
14 such declaration and judgment it be declared that the Commission's determination that the
15 Retention Basins are Commission-jurisdictional wetlands is invalid; that the Retention Basins are
16 not Commission-jurisdictional wetlands; and that the Commission exceeded its jurisdiction by
17 relying on 30413(d) rather than acting appropriately under 30413(e) to adopt the Findings.

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ON ALL CAUSES OF ACTION


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- (a) For the Court to exercise continuing jurisdiction over this action to ensure that the Commission comply with the writ of mandate, declaration, and injunction of this Court;
- (b) For the recovery in full of AES's attorneys' fees incurred in this action under Code of Civil Procedure Section 1021.5; and
- (c) Such other relief as the Court may find appropriate.

Dated: September 8, 2015

Respectfully submitted,

LATHAM & WATKINS LLP
James L. Arnone
Winston P. Stromberg
Lucas I. Quass

By 
Winston P. Stromberg
Attorneys for Petitioners and Plaintiffs
AES SOUTHLAND DEVELOPMENT, LLC,
and AES REDONDO BEACH, LLC

VERIFICATION

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I, Stephen O’Kane, am an Officer of AES Southland Development, LLC and AES Redondo Beach, LLC (collectively, “AES”), and am authorized to make this verification for and on behalf of AES. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF (“Verified Petition”). The facts alleged in the foregoing Verified Petition are true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 8th day of September 2015, at Long Beach, California.



Stephen O’Kane

09 / 08 / 2015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James L. Arnone (Bar No. 150606), Winston P. Stromberg (Bar No. 258252), Lucas I. Quass (Bar No. 280770) Latham & Watkins LLP 355 S. Grand Ave., Los Angeles, CA 90071-1560 TELEPHONE NO.: 213.485.1234 FAX NO.: 213.891.8763 ATTORNEY FOR (Name): AES Southland Development, LLC, et. al.

FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles SEP 08 2015 Sherri R. Carter, Executive Officer/Clerk By Cristina Grijalva Deputy Cristina Grijalva

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District (Stanley Mosk Courthouse)

CASE NAME: AES Southland Development, LLC, et. al. v. Cal. Coastal Commission

CIVIL CASE COVER SHEET [X] Unlimited (Amount demanded exceeds \$25,000) [] Limited (Amount demanded is \$25,000 or less)

Complex Case Designation [] Counter [] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: BS 157789 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

- 1. Check one box below for the case type that best describes this case: Auto Tort, Contract, Provisionally Complex Civil Litigation, Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort, Real Property, Enforcement of Judgment, Non-PI/PD/WD (Other) Tort, Unlawful Detainer, Miscellaneous Civil Complaint, Employment, Judicial Review, Miscellaneous Civil Petition

- 2. This case [] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. [] Large number of separately represented parties, b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve, c. [] Substantial amount of documentary evidence, d. [] Large number of witnesses, e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court, f. [] Substantial postjudgment judicial supervision
- 3. Remedies sought (check all that apply): a. [] monetary, b. [X] nonmonetary; declaratory or injunctive relief, c. [] punitive
- 4. Number of causes of action (specify): 2
- 5. This case [] is [X] is not a class action suit.
- 6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 9/8/2015 Winston P. Stromberg (TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE • Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions. • File this cover sheet in addition to any cover sheet required by local court rule. • If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding. • Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

SHORT TITLE: AES Southland Development, et al. v. Cal. Coastal Commission	CASE NUMBER <b style="font-size: 1.2em;">BS157789
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CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 1 HOURS/-/DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.3.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. 2. May be filed in central (other county, or no bodily injury/property damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides. | <ul style="list-style-type: none"> 6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office 11. Mandatory Filing Location (Hub Case) |
|---|---|

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE:

AES Southland Development, et al. v. Cal. Coastal Commission

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	2., 5., 6, 11 2., 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input checked="" type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

Judicial Review
 Provisionally Complex Litigation
 Enforcement of Judgment
 Miscellaneous Civil Complaints
 Miscellaneous Civil Petitions

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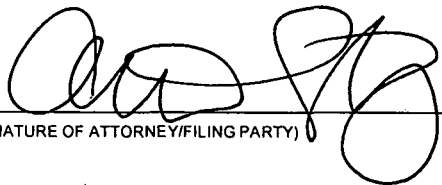
SHORT TITLE: AES Southland Development, et al. v. Cal. Coastal Commission	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<p>REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.</p> <p><input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.</p>	<p>ADDRESS: 1100 N. Harbor Drive</p>			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;">CITY: Redondo Beach</td> <td style="width: 15%; padding: 2px;">STATE: CA</td> <td style="width: 55%; padding: 2px;">ZIP CODE: 90277</td> </tr> </table>	CITY: Redondo Beach	STATE: CA	ZIP CODE: 90277	
CITY: Redondo Beach	STATE: CA	ZIP CODE: 90277		

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central _____ District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.3, subd.(a).

Dated: 9/8/2015



 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/15).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

09/08/2015