



FILED
ALAMEDA COUNTY

OCT 27 2008

CLERK OF THE SUPERIOR COURT

By *[Signature]* Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA**

LESLEY EMMINGTON JONES, an individual,
HENRY M. GEHMAN, an individual, SYLVIA
C. MCLAUGHLIN, an individual, JANICE
THOMAS, an individual, and ANNE PAXTON
WAGLEY, an individual,

Petitioners,

vs.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, an agency of the State of
California,

Respondent.

CASE NO. RG07341224

JUDGMENT

Pursuant to the Court's Order Granting in Part and Denying in Part the Petition for Writ of Mandate ("Court's Order") and the Statement of Decision herein,

IT IS ORDERED, ADJUDGED AND DECREED that:

1. JUDGMENT IS ENTERED in favor of the Petitioners, Lesley Emmington Jones, Henry M. Gehman, Sylvia C. McLaughlin, Janice Thomas and Anne Paxton Wagley (collectively, "Petitioners"), and against the Respondent, The Regents of the University of California ("the University"), on Petitioners' Petition for Writ of Mandate herein based on the Court's determination that the University abused its discretion under the California Environmental Quality Act ("CEQA"), Public Resources Code section

21000 *et seq.*, by approving the Lawrence Berkeley National Laboratory 2006 Long Range Development Plan ("LRDP") and certifying the Environmental Impact Report ("EIR") prepared for the LRDP without recirculating the climate change analysis included in the final EIR for review and comment by the public and public agencies and considering such comments and agency consultations prior to approving the LRDP and certifying the EIR.

2. The Clerk of the Court shall issue a Peremptory Writ of Mandate ordering the University to:

Set aside the certification of the portion of the environmental impact report for the LRDP that assessed impacts that would result from greenhouse gas emissions consequential to the LRDP until the University has:

- (1) Recirculated that assessment for the required period for public and agency comment, in compliance with CEQA;
- (2) Revised the final EIR as appropriate to reflect the information included in the recirculated portion of the EIR, as well as responses to comments received;
- (3) Reconsidered approval of the LRDP after completion of the above steps;
- (4) Approved the LRDP and the EIR following completion of the above.

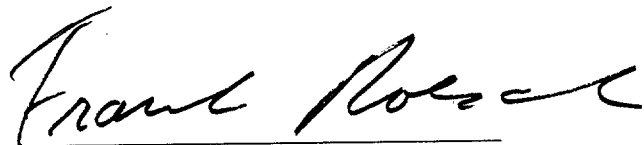
3. The University and its agents are to suspend all project approvals and construction and construction-related activities that are based upon the 2006 LRDP approvals and to suspend all project approvals and construction and construction-related activities which could result in any adverse change or alteration to the physical environment until: (1) this writ has been discharged; or (2) stand-alone CEQA documents have been approved for those projects.

4. The Peremptory Writ of Mandate shall provide that this Court will retain jurisdiction over these proceedings including the University's return to the writ and any subsequent return proceedings pursuant to Public Resources Code section 21168.9(b).

5. Petitioners are hereby AWARDED their costs of suit, which shall be determined in accordance with the procedures set forth in Code of Civil Procedure sections 1032, 1033, and 1033.5 and the corresponding California Rules of Court, including any possible motion to tax cost which may be filed by Respondent.

6. This Court shall RESERVE jurisdiction over petitioners' prayer for attorneys' fees and litigation costs, which shall be determined upon noticed motion in accordance with the criteria set forth in Code of Civil Procedure section 1021.5 and the procedures set forth in the corresponding provisions of the California Rules of Court.

DATED: October 27, 2008

A handwritten signature in black ink, reading "Frank Roesch", written over a horizontal line.

Frank Roesch
JUDGE OF THE SUPERIOR COURT