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4 895 Dove Street, 5th Floor  
5 Newport Beach, California 92660  
6 (949) 854-7000; (949) 854-7099 (Fax)

**FILED**  
Superior Court of California  
County of Los Angeles

JAN 24 2014

7 Attorneys for Petitioners and Plaintiffs  
8 CROWN CASTLE USA INC., CROWN CASTLE  
9 NG WEST INC.

Sherri R. Carter, Executive Officer/Clerk  
By Annette Fajardo Deputy  
Annette Fajardo

RECEIVED

JAN 21 2014

SUPERIOR COURT OF CALIFORNIA

DEPT 85  
COUNTY OF LOS ANGELES (UNLIMITED JURISDICTION)

11 CROWN CASTLE USA INC., CROWN  
12 CASTLE NG WEST INC.,

CASE NO.: BS140933  
DEPT.: 85  
JUDGE: JAMES C. CHALFANT

Petitioners and Plaintiffs,

13 vs.

~~Proposed~~ JUDGMENT

14 CITY OF CALABASAS, a Municipal  
15 Corporation, CITY COUNCIL OF THE  
16 CITY OF CALABASAS, its Governing  
17 Body, DOES 1-50, Inclusive,

FILE DATE: December 20, 2012  
TRIAL DATE SET: No Date Set

Respondents and Defendants.

18  
19 On November 12, 2013, the Court took oral argument in the above-captioned matter in  
20 Department 85 of the above-entitled court before the Honorable James C. Chalfant. Petitioners  
21 and Plaintiffs, Crown Castle USA, Inc. and Crown Castle NG West, Inc., were represented by  
22 Michael W. Shonafelt and Paul Tetzloff of the law firm of Newmeyer & Dillion, LLP.

23 Respondents and defendants, the City of Calabasas and the City Council of the City of Calabasas  
24 ("City") were represented by Holly Whatley of the law firm of Colantuono & Levin, PC.

25 After reviewing the briefs and relevant evidence and affording the parties an opportunity  
26 for oral argument, the Court determines as follows:

27 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment be entered as  
28 follows:

4310294.1

~~PROPOSED~~ JUDGMENT

123130.1

NEWMEYER & DILLION LLP

NEWMEYER & DILLION LLP

01/28/2014

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1. The Petition for Writ of Mandate is granted in part, and denied in part, pursuant to the Court's November 12, 2013, tentative ruling, which is attached hereto as Exhibit "A," and is incorporated herein by reference ("Tentative Ruling").

2. The Tentative Ruling is modified, as noted on the record of the oral proceedings of November 12, 2013, in only one respect: to allow the City to retain the requirement in Section 17.12.050.C.2.c.2 of the Calabasas Municipal Code that requires "[a]n affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC."

3. As modified, the Tentative Ruling becomes the final statement of decision of the Court ("Ruling").


4. A writ shall issue to the City pursuant to the Ruling ("Writ").

5. The Court shall retain jurisdiction to enforce the Writ and this Judgment.

6. Each side shall bear its own costs.

**JUDGMENT IS HEREBY ENTERED ACCORDINGLY.**

DATED: 1/24, 2014

  
\_\_\_\_\_  
Hon. James C. Chalfant  
Judge of the Superior Court of California

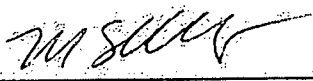
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APPROVED AS TO FORM:

Dated: January 21, 2014.

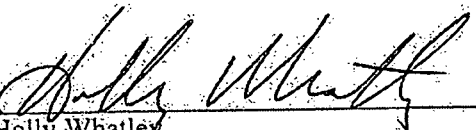
NEWMAYER & DILLION LLP

By:   
Michael W. Shonafelt

Attorneys for Petitioners and Plaintiffs,  
CROWN CASTLE USA INC., CROWN  
CASTLE NG WEST INC.

Dated: January 26, 2014

COLANTUONO & LEVIN

By:   
Holly Whatley  
Attorneys for Respondents and Defendants,  
CITY OF CALABASAS and the CITY  
COUNCIL OF THE CITY OF  
CALABASAS

NEWMAYER & DILLION LLP

01/28/2014

1 **PROOF OF SERVICE**

2 *Crown Castle USA Inc., et al. v. City Of Calabasas, et al.*  
3 Los Angeles Superior Court Case No.: BS140933

4 STATE OF CALIFORNIA )  
5 ) ss.  
6 COUNTY OF ORANGE )

7 I, Xochitl Rogers, declare:

8 I am a citizen of the United States and employed in Orange County, California. I am over  
9 the age of eighteen years and not a party to the within-entitled action. My business address is 895  
10 Dove Street, 5th Floor, Newport Beach, California 92660. On January 21, 2014, I served a copy  
11 of the within document(s):

12 **[Proposed] JUDGMENT**

- 13  by transmitting via facsimile the document(s) listed above to the fax number(s) set  
14 forth below on this date before 5:00 p.m.
- 15  by placing the document(s) listed above in a sealed envelope with postage thereon  
16 fully prepaid, in the United States mail at Newport Beach, California addressed as set  
17 forth below.
- 18  by placing the document(s) listed above in a sealed NORCO OVERNITE envelope  
19 and affixing a pre-paid bill, and causing the envelope to be delivered to a NORCO  
20 OVERNITE service agent for delivery.
- 21  by personally delivering the document(s) listed above to the person(s) at the  
22 address(es) set forth below.
- 23  by transmitting via e-mail or electronic transmission the document(s) listed above to  
24 the person(s) at the e-mail address(es) set forth below.

25 **SEE ATTACHED SERVICE LIST**

26 I am readily familiar with the firm's practice of collection and processing correspondence  
27 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same  
28 day with postage thereon fully prepaid 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.

I declare under penalty of perjury under the laws of the State of California that the above  
is true and correct. Executed on January 21, 2014, at Newport Beach, California.

  
\_\_\_\_\_  
Xochitl Rogers

NEWMEYER & DILLON LLP

01 / 03 / 2014

**SERVICE LIST**

*Crown Castle USA Inc., et al. v. City Of Calabasas, et al.*  
Los Angeles Superior Court Case No.: BS140933

Tiana J. Murillo, Esq.  
Holly Whatley, Esq.  
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Los Angeles, CA 90071-3137

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**[CITY OF CALABASAS; CITY COUNCIL  
OF THE CITY OF CALABASAS]**

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