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

FILED
Superior Court of California
County of Los Angeles

JAN 24 2014

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

RECEIVED
JAN 21 2014
DEPT 85

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES (UNLIMITED JURISDICTION)

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

Petitioners and Plaintiffs,

vs.

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

Respondents and Defendants.

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

~~[Proposed]~~ JUDGMENT

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

On November 12, 2013, the Court took oral argument in the above-captioned matter in Department 85 of the above-entitled court before the Honorable James C. Chalfant. Petitioners and Plaintiffs, Crown Castle USA, Inc. and Crown Castle NG West, Inc., were represented by Michael W. Shonafelt and Paul Tetzloff of the law firm of Newmeyer & Dillion, LLP. Respondents and defendants, the City of Calabasas and the City Council of the City of Calabasas ("City") were represented by Holly Whatley of the law firm of Colantuono & Levin, PC.

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

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

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

J. Chalfant

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

NEWMEYER & DILLION LLP

APPROVED AS TO FORM:

Dated: January 21, 2014

NEWMEYER & DILLION LLP

By: _____
Michael W. Shonafelt

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

Dated: January 21, 2014

COLANTUONO & LEVIN

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

NEWMEYER & DILLION LLP

## PROOF OF SERVICE

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

STATE OF CALIFORNIA )
) ss.
COUNTY OF ORANGE )

I, Xochitl Rogers, declare:

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

**[Proposed] JUDGMENT**

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Newport Beach, California addressed as set forth below.

☐ by placing the document(s) listed above in a sealed NORCO OVERNITE envelope and affixing a pre-paid bill, and causing the envelope to be delivered to a NORCO OVERNITE service agent for delivery.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☐ by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

**SEE ATTACHED SERVICE LIST**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same 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 & DILLION LLP

**SERVICE LIST**

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

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