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7 Attorney for Petitioner

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SONOMA**

10 EMF SAFETY NETWORK, and DOES 1
11 through 5, inclusive,

12 Petitioners,

13 v.

14 CITY OF SEBASTOPOL, and DOES 7
15 through 10, inclusive,

16 Respondents.

17 _____/
18 CROWN CASTLE GT COMPANY LLC;
19 CROWN INTERNATIONAL; VERIZON;
20 VERIZON WIRELESS; and DOES 11
through 15, inclusive,

21 Real Parties in Interest.
22 _____/

CASE NUMBER _____

**PETITION FOR WRIT OF
MANDATE**

[CEQA]

1 science-based precautions for electromagnetic frequency (EMF) and radio
2 frequency (RF) technologies in the City of Sebastopol, County of Sonoma, and
3 throughout the nation. EMF Safety Network is composed of persons whose
4 interests will be severely injured if the approval of the project is not set aside
5 pending full compliance with CEQA and all other applicable laws. The members
6 of EMF Safety Network utilize and enjoy the City's, County of Sonoma's and the
7 State of California's environment and natural resources and bring this petition on
8 behalf of all others similarly situated who are too numerous to be named and
9 brought before this Court as petitioners. As an organization composed of
10 residents and property owners within the City and County of Sonoma, EMF
11 Safety Network is within the class of persons beneficially interested in and
12 aggrieved by the acts of respondent as alleged below. EMF Safety Network
13 participated in the administrative processes relative to this project and objected
14 to the project and lack of environmental review.

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19 4. Respondent City of Sebastopol is a city duly organized under the laws
20 of the State of California and is the lead agency under CEQA for the project.

21 5. Respondents Does 7 through 10 are sued under fictitious names. Their
22 true names and capacities are unknown to petitioner. When true names and
23 capacities are ascertained, petitioner will amend this petition to assert them.
24
25 Petitioner is informed and believes and thereon alleges that each of the
26 fictitiously named respondents is responsible in some manner for the
27 occurrences herein alleged, and that the damages as herein alleged were
28 proximately caused by their conduct.

1 12. On September 21, 2011, the EMF Safety Network filed a timely appeal
2 fo the Planning Commission's actions.

3 13. On December 6, 2011, the City Council held a public hearing and, by
4 a 2-2 vote denied the appeal and upheld the Planning Commission's actions.

5 14. On December 7, 2011, the City filed a Notice of Exemption.

6 15. This petition is timely filed on January 11, 2012. Petitioner complied
7 with section 21167.5 of the Public Resources Code by serving a Notice of
8 Commencement of Action on the County and with section 21167.7 of the Public
9 Resources Code by serving a copy of this petition on the Office of the Attorney
10 General of the State of California.

11 16. Petitioner has no plain, speedy, and adequate remedy in the ordinary
12 course of law. If the project remains approved, construction may proceed with
13 immediate, severe, and irreparable harm to the environment and to petitioner
14 due to environmental degradation and the failure of the City to follow the laws in
15 its approval process. The City has the capacity to correct its violations of law but
16 has failed and refused to do so.

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20
21 **V. CAUSE OF ACTION FOR VIOLATIONS OF THE**
22 **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

23 17. Petitioner fully incorporates herein by reference paragraphs 9 through
24 16, above.

25 18. The City abused its discretion and failed to act in the manner required
26 by law by approving the project based on a Class 1 exemption, CEQA
27
28

1 Guidelines (14 Cal. Code Regs.), § 15301, because there is substantial
2 evidence in the record that the exemption does not apply.

3
4 19. The City abused its discretion and failed to act in the manner required
5 by law by approving the project based on an exemption because there is a fair
6 argument based on substantial evidence in the record that the project may cause
7 environmental impacts and, thus, is excepted from the exemption.

8
9 20. The City abused its discretion and failed to act in the manner required
10 by law by making findings that are not supported by substantial evidence in the
11 record.

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13 WHEREFORE, petitioner prays:

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15 1. That the Court issue a Peremptory Writ of Mandate, ordering
16 respondent to set aside and void its approvals of the project and to comply with
17 all provisions of CEQA and other applicable laws prior to further consideration of
18 the project.

19
20 2. That the Court issue an administrative stay order, temporary restraining
21 order, and/or preliminary injunction enjoining the City and/or Crown and/or
22 Verizon and their subcontractors, agents, employees, heirs, assigns, or
23 representatives from engaging in any physical or irreversible actions or decisions
24 in furtherance of the project pending this action.

25
26 3. That the Court issue a permanent stay against the City and/or Crown
27 and/or Verizon enjoining them and their subcontractors, agents, employees,
28 heirs, assigns, or representatives from engaging in any activity connected with

1 the project unless and until this Court finds that the project is in full compliance
2 with CEQA and other applicable laws.

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4 4. For costs of suit and attorneys' fees herein; and

5 5. For other and further relief as the Court may deem proper.

6 Dated: January 11, 2012

Law Office of Rose M. Zoia

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Rose M. Zoia
Attorney for Petitioners

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12 **VERIFICATION**

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14 I am a member of petitioner and have read the Petition for Writ of Mandate
15 and know its contents. The matters stated in it are true and correct based on my
16 knowledge, except as to the matters which are stated therein on information and
17 belief and as to those matters, I believe them to be true.

18 I declare under penalty of perjury that the above is true and correct.

19
20 Executed this 11th day of January 2011, at Sebastopol, California.

21
22 
23 Sandi Maurer

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of Sonoma. I am over the age of eighteen years and not a party to the within entitled action. My business address is 50 Old Courthouse Square, Suite 401, Santa Rosa, California 95404.

On January 11, 2012, I served one true copy of

PETITION FOR WRIT OF MANDATE

by mailing via USPS, first-class, postage pre-paid, to the persons, entities, and addresses listed below:

City Clerk
City of Sebastopol
7120 Bodega Avenue
Sebastopol CA 95473
Respondent

Larry McLaughlin
City Attorney
7120 Bodega Avenue
Sebastopol CA 95473
Counsel for Respondent

Larry McLaughlin
City Attorney
2455 Bennett Valley Road
Santa Rosa CA 95404
Counsel for Respondent

Joseph M. Parker
Shustak Frost & Partners
401 West A Street, Ste. 2330
San Diego CA 92101-7914
*Counsel for Real Party in Interest Crown
Castle GT Company LLC/Crown
International*

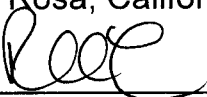
Crown Castle GT Company LLC
C T Corporation System, Agent for
Service of Process
510 Bering Sr. Ste. 500
Houston TX 77057
Real Party in Interest

Verizon/Verizon Wireless
C T Corporation System, Agent for
Service of Process
818 W Seventh St
Los Angeles CA 90017

Sally Magnani Knox
Deputy Attorney General
State of California
Department of Justice
P. O. Box 944255
Sacramento CA 94244-2550

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 11, 2012, at Santa Rosa, California.



Rose M. Zoia