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Attorney for  
OWENS VALLEY COMMITTEE

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF INYO

SIERRA CLUB, and OWENS VALLEY COMMITTEE	)	Case No.: SICV CV 08-46888
	)	
Plaintiffs/Petitioners	)	PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR SUMMARY ADJUDICATION
	)	
v.	)	
	)	
CITY OF LOS ANGELES; LOS ANGELES DEPARTMENT OF WATER AND POWER; BOARD OF COMMISSIONERS OF THE DEPARTMENT OF WATER AND POWER; COUNTY OF INYO and DOES 1 - 50	)	Date: TBA Time: TBA Dept.: TBA
	)	
_____ Defendants/Respondents _____	)	Judge: The Hon. Lee Cooper
	)	
CALIFORNIA DEPARTMENT OF FISH AND GAME; and CALIFORNIA STATE LANDS COMMISSION and DOES 51-100	)	
	)	
_____ Real Parties in Interest. _____	)	

1                                   **TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH**  
2 **PARTY IN THIS ACTION:**

3                   YOU ARE HEREBY NOTIFIED THAT at a date and time to be set by the Superior  
4 Court of Inyo County, Petitioners/Plaintiffs Sierra Club and Owens Valley Committee will  
5 move this Court for an order adjudicating the following described causes of action contained  
6 in the Complaint and Petition for Injunctive Relief and for Relief by Way of Mandamus and  
7 Complaint for Declaratory Judgment filed herein; and that judgment in this action shall, in  
8 addition to any matters determined at trial, award judgment as established by such  
9 adjudication to Plaintiffs regarding the following causes of action:

- 10
- 11           **a.     FIRST CAUSE OF ACTION:** Issue: The Adaptive Management Protocol for  
12           terrestrial habitat indicator species in the April 28, 2008, Lower Owens River  
13           Project Monitoring Adaptive Management and Reporting Plan does not ensure that  
14           LORP will be successfully implemented and are not consistent with the  
15           requirements of the 1997 Memorandum of Understanding between the City of Los  
16           Angeles Department of Water and Power, County of Inyo, California Department of  
17           Fish and Game, California State Lands Commission, Sierra Club and the Owens  
18           Valley Committee (“1997 MOU”).
  - 19           **b.     THIRD CAUSE OF ACTION:** Issue: The Plan Fails to Provide for  
20           Implementation of the Plan Through Consultation with DFG as required by the  
21           1997 MOU
  - 22           **c.     FIFTH CAUSE OF ACTION:** Issue: The City and County violated the  
23           requirements of the 1997 MOU regarding the MOU consultants’ recommendations  
24           with respect to the augmentation of seasonal habitat flows.
  - 25           **d.     SIXTH CAUSE OF ACTION:** Issue: The City and County breached its  
26           obligations under 1997 MOU.

27                   Said motion will be made upon the ground that there is no triable issue of material fact as  
28 to the summary adjudication sought and therefore the moving parties are entitled to such  
adjudication as a matter of law. The motion will be based upon this notice, the separate  
Statement of Undisputed Material Facts, and Memorandum of Points and Authorities, the  
Declaration of Donald B. Mooney in Support of Plaintiffs’ Memorandum of Points and  
Authorities; the Declaration of Duncan Patten; the Declaration of Joseph Brajevich in Support

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of Defendants’ Motion for Summary Adjudication; Plaintiffs’ Request for Judicial Notice, all of which are served and filed herewith.

Dated: April 3, 2009

Respectfully submitted,

CALIFORNIA ENVIRONMENTAL LAW PROJECT

By \_\_\_\_\_  
Laurens H. Silver  
Attorney for Sierra Club

LAW OFFICE OF DONALD B. MOONEY

By \_\_\_\_\_  
Donald B. Mooney  
Attorney for Owens Valley Committee