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6 Attorneys for Petitioner FRIENDS OF NORTHWEST SEBASTOPOL

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 CITY AND COUNTY OF SONOMA

10 FRIENDS OF NORTHWEST SEBASTOPOL, a
11 California nonprofit mutual benefit corporation,

12 Petitioner,

13 v.

14 CITY OF SEBASTOPOL, acting by and through
the Sebastopol City Council,

15 Respondent.

16
17 SONOMA APPLIED VILLAGES SERVICES, a
California nonprofit mutual benefit corporation;
18 and ST. VINCENT DE PAUL DISTRICT
COUNCIL OF SONOMA COUNTY,
19 INCORPORATED, a California nonprofit mutual
benefit corporation,

20 Real Parties in Interest.
21

Case No. SCV-270053

DECLARATION OF PETER PROWS

1 **DECLARATION OF PETER PROWS**

2 I, Peter Prows, declare as follows:

- 3 1. I am a lawyer admitted to the State Bar of California, and a partner in the law firm of Briscoe
4 Ivester & Bazel LLP. I am making this declaration of my own personal knowledge.
- 5 2. The partial administrative record in this action is comprised of the core materials about this
6 matter posted to the City Council’s website for its hearing of November 30, 2021 and December 7,
7 2021 (when the minutes for the November 30 meeting were approved).
- 8 3. Attached as **Exhibit 1** is an accurate copy of an email exchange between myself and counsel
9 for the City, with copies to counsel for St. Vincents, and to SAVS.

10
11
12 I swear under penalty of perjury of the laws of the State of California that the facts stated in
13 this declaration are true.

14 DATED: January 31, 2022

15 /s/ Peter Prows
16 Peter Prows

EXHIBIT 1

From: Peter Prows pprows@briscoelaw.net 
Subject: RE: Friends of Northwest Sebastopol v. City of Sebastopol | Filed Documents, no. SCV-270053
Date: 28 January 2022 at 16:02
To: Grutzmacher, Edward egrutzmacher@meyersnave.com
Cc: tinyvillages@sonomavillages.org, bob@robertbonelaw.com, Tony Francois tfrancois@briscoelaw.net



Thank you Ed.

As CCP 1094.5(a) permits us to do, as of today we have now lodged those parts of the record we believe suffice to show the City's prejudicial abuse of discretion. I'A partial record lodged by petitioner "is sufficient for the purposes of section 1094.5[a]":

A petitioner has the burden to provide a partial record that will allow sufficient and effective review by the court. A partial record of an administrative proceeding is sufficient for the purposes of section 1094.5, subdivision (a) if it provides the reviewing court a basis for the affirmance or reversal of the order or decision, and establishes where in the proceedings the administrative body proceeded in excess of its jurisdiction, or denied a fair hearing or abused its discretion. This partial record must accurately represent the administrative proceedings, provide the reviewing court an understanding of what occurred below, and enable that court to provide an independent judicial review of the administrative decision.

(Elizabeth D. v. Zolin (1993) 21 Cal.App.4th 347, 355.)

Our view is that you should be free to argue on the merits that we have not lodged a sufficient record to show an abuse of discretion, or to supplement the record with any other appropriate materials you'd like. But we don't need to await certification of the record to proceed.

We'll proceed with the ex parte application for the alternative writ on Tuesday, with a hearing date on the merits proposed for 16 February. If we get that schedule, we shouldn't need a stay.

Please let me know whether I can report to the Court that you still object.

Thanks.

Peter

From: Grutzmacher, Edward <egrutzmacher@meyersnave.com>
Sent: Friday, January 28, 2022 3:09 PM
To: Peter Prows <pprows@briscoelaw.net>
Cc: tinyvillages@sonomavillages.org; bob@robertbonelaw.com; Tony Francois <tfrancois@briscoelaw.net>
Subject: RE: Friends of Northwest Sebastopol v. City of Sebastopol | Filed Documents, no. SCV-270053

Peter,

I have conferred with the City and the City has conferred with SAVS (who is currently not represented by counsel). Neither the City nor SAVS can agree to the proposed schedule. As I

indicated on our phone call, the issues raised in your petition necessitate the preparation and certification of an administrative record. This cannot be done on the schedule you proposed.

Thanks,

Ed

From: Peter Prows <pprows@briscoelaw.net>
Sent: Thursday, January 27, 2022 4:53 PM
To: Grutzmacher, Edward <egrutzmacher@meyersnave.com>
Cc: tinyvillages@sonomavillages.org; bob@robertbonelaw.com; Tony Francois <tfrancois@briscoelaw.net>
Subject: Re: Friends of Northwest Sebastopol v. City of Sebastopol | Filed Documents, no. SCV-270053
Importance: High

[EXTERNAL E-MAIL]

To follow up: the schedule I proposed below seems consistent with the City's 30 November action and subsequent schedule, and with the concept that we should be able to proceed to a timely hearing on the merits without the need for a stay in the meantime. At the 30 November meeting, the City approved a motion to "Make a commitment to prohibiting RVs from moving into an RV Village as described in this Staff Report until the parking concerns described here have been addressed and resolved, with the benefit of the requested plan from City Staff." The parking plan still has not been developed, and no parking plan is on the City's 1 February meeting agenda. Because a City parking plan is still at least several weeks away, and the City has made a commitment to prohibiting RVs from moving into 845 Gravenstein before the parking issue is resolved, we should have enough time to get this case resolved on the merits in the meantime according to the schedule I've proposed below.

Please let me know whether you agree.

Thanks.



PETER PROWS
235 Montgomery Street, Suite 935
San Francisco, California 94104
Direct: (415) 402-2708 Cell: (415) 994-8991

On 27 Jan 2022, at 15:24, Peter Prows <pprows@briscoelaw.net> wrote:

Dear Mr. Grutzmacher (with a copy to Mr. Bone and SAVS):

The file-stamped copy of our petition and related documents filed last Friday are attached. We have been assigned to Judge Wick. These are also going out for service on your offices again today.

SAVS: if you are represented by counsel, please let me know.

SAVS, if you are represented by counsel, please let me know.

I write to give notice that on Tuesday 1 February by 10:30am in Courtroom 17 we intend to apply ex parte for an alternative writ of mandamus.

If we can reach agreement, with Court approval, on a prompt briefing schedule and hearing date on the merits, we should not need to also apply ex parte for a stay of the City's 30 November action in this matter. But if we cannot reach agreement, this email also gives notice that we will also be applying ex parte for a stay of that action on Tuesday 1 February by 10:30am in Courtroom 17. I hope you will agree that it's in the best interests of all to proceed expeditiously to resolution of this matter on the merits.

CCP 1107 normally gives only 5 days after an alternative writ is served to file an opposition brief on the merits to the issuance of the prerogative writ. I'm willing to agree to give you seven days to file your merits brief if you will agree to the following schedule that gets us to a hearing on the merits on 16 February:

Monday 31 January: Petitioner to file and serve (by email) its application for alternative writ of mandamus, including memorandum on the merits
Tuesday 1 February: Alternative writ issues and is served (by email)
Tuesday 8 February: Oppositions due (with service by email)
Thursday 10 February: Reply due (with service by email)
Wednesday 16 February, 3pm (D17's regular law & motion calendar): hearing on the merits

Please let me know by tomorrow whether you agree or have any other suggestions that get us to a hearing on the merits by 16 February. If you have any questions, please call.

Thank you.

Peter

Begin forwarded message:

From: Arlene Won <awon@briscoelaw.net>
Subject: Friends of Northwest Sebastopol v. City of Sebastopol
| Filed Documents
Date: 27 January 2022 at 13:55:57 PST
To: Tony Francois <tfrancois@briscoelaw.net>, Peter Prows
<pprows@briscoelaw.net>

Attached are the filed documents.

Thanks,
Arlene

<2022 01.21 Civil Case Cover Sheet.pdf><2022 01.21 Petition.pdf><2022
01.21 Request for Hearing.pdf><2022 01.21 Notice of Assignment.pdf>

1 **PROOF OF SERVICE**

2 I declare that I am over the age of eighteen years and not a party to this action. I am
3 employed in the City and County of San Francisco, and my business address is 235 Montgomery
4 Street, Suite 935, San Francisco, California 94104.

5 On January 31, 2022, at San Francisco, California, I served the following document(s)

6 **DECLARATION OF PETER PROWS**

7 on:

8 Edward Grutzmacher
9 Meyers Nave
10 555 Capitol Mall, Suite 1200
11 Sacramento, CA 95814
(916) 556-1531 (phone)
(916) 556-1516 (facsimile)
Email: egrutzmacher@meyersnave.com

Robert M. Bone
Law Office of Robert M. Bone
645 4th Street, Suite 205
Santa Rosa, CA 95404
(707) 525-8999 (phone)
(707) 542-4752 (facsimile)
Email: bob@robertbonelaw.com

12 Gregory Carlton Fearon
13 Sonoma Applied Villages Services
14 1275 4th Street, Suite 101
15 Box 196
16 Santa Rosa, CA 95404
(707) 861-0646 (phone)
(916) 556-1516 (facsimile)
Email: tinyvillages@sonomavillages.org

17 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** On the date written above, I e-mailed the
18 documents to the persons on the service list at the e-mail addresses listed above. I did not receive,
19 within a reasonable time after transmission, any electronic message or other indication that
transmission was unsuccessful.

20 **BY FIRST CLASS MAIL:** On the date written above, I deposited with the United States Postal
21 Service a true copy of the attached document in a sealed envelope, with postage fully prepaid,
22 addressed as shown on the service list. I am aware that on motion of the party served, service is
presumed invalid if the postal cancellation date or postage meter date is more than one day after the
date of deposit for mailing contained in this declaration.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
24 correct and that this document was executed on January 31, 2022, at San Francisco, California.

25 

26 _____
27 Arlene Won
28