SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

CITY OF DANA POINT, a California Municipal Corporation Petitioner and Plaintiffs, vs. CALIFORNIA COASTAL COMMISSION, a California public agency, and DOES 1 through 5, inclusive.	CASE NO: 37-2010-00099827-CU-WM-CTL **STATEMENT OF DECISION [CCP §632, Cal. Rules of Court, Rule 3.1590]** Dept.: 70 Judge: Randa Trapp

This matter came before the Court on remand from the Court of Appeal, Fourth District, Division 1, California. *City of Dana Point v. California Coastal Commission, Headlands Reserve LLC, Surfrider Foundation v. City of Dana Point, Headlands Reserve LLC. (2013) 217 Cal. App.4th 170.* On remand, this Court was directed as follows: "to determine whether the City was acting within the scope of section [Public Resources Code] 30005, subdivision (b) in adopting the Nuisance Abatement Ordinance. In making this determination, the trial court shall decide whether the City's enactment of the Nuisance Abatement Ordinance was a pretext for avoiding the requirements of its local coastal

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program *and,* if the court determines that there is an actual nuisance, whether the development mandated by the Nuisance Abatement Ordinance exceeds the amount necessary to abate that nuisance." *Id at 207.*

On May 5, 2014, this court granted petitioner/plaintiff City of Dana Point's request to introduce evidence as to whether the City was acting properly within the scope of its nuisance abatement powers under the Coastal Act, including whether the abatement ordinance was enacted in good faith or was a pretext for avoiding coastal program obligations. (*See, City of Dana Point v. California Coastal Commission (2013) 217 Cal.App.4th 170, 176-177, 191,199, 204-207*)

However, the court did limit the extra-record evidence it would allow. Generally, extra-record evidence is admissible only in those rare instances in which (1) the evidence in question existed *before* the decision, and (2) it was not possible in the exercise of reasonable diligence to present this evidence *before* the decision was made so that it could be considered and included in the administrative record. (*Western States Petroleum Assn. v. Superior Court (1995) 9 Cal.4th 559, 578*)

As any evidence of nuisance at the site in question after the enactment of the ordinance would not have existed before the enactment of the ordinance, the court determined it would not allow evidence of nuisance at the site that was not considered when the ordinance was considered and enacted.

The court acknowledged that the Court of Appeal directed the trial court to determine whether the nuisance abatement ordinance was a pretext for avoiding coastal program obligations. In that regard, testimony from the City representatives on this issue could have been elicited before the ordinance enactment, but it was not relevant until after the Court of Appeal issued its opinion. Thus, the court determined it would allow testimony/evidence from City Council members and Council Staff to demonstrate the City did not act with an improper motive and to show the ordinance was the minimum abatement action to address the nuisance. Respondent/Defendant was allowed to depose those witnesses.

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The court determined that it was a question of fact as to whether the City's enactment of the Ordinance was pretextual. Petitioner/Plaintiff requested a court trial and the court determined it would hear the case as a bench trial. (*See, CCP §§ 1094, 1090; English v. City of Long Beach (1952) 114 Cal.App.2d 311, 316*)

Accordingly, this cause came on regularly for a bench trial on August 24, 2015 through August 27, 2015 in Department 70, the Honorable Randa Trapp, Judge Presiding. A. Patrick Munoz and Jennifer Farrell appeared as counsel for Petitioner and Plaintiff. Supervising Attorney General Jamee Jordan Patterson and Deputy Attorney General Blaine P. Kerr appeared on behalf of Respondent and Defendant. Petitioner/ Plaintiff City of Dana Point timely requested a Statement of Decision.

At the conclusion of the trial, the Court, having heard and considered the opening statements of counsel, viewed the video tape of the May 22, 2010 City Council Meeting where the Urgency Ordinance was enacted, heard and considered the testimony of witnesses, the arguments of counsel and having reviewed the exhibits including the designated portions of the Administrative Record, took the matter under submission. The Court now rules as follows: Petitioner/Plaintiff City of Dana Point was not acting within the scope of section 30005, subdivision (b) of the Coastal Commission Act in adopting the Nuisance Abatement Ordinance. The City's enactment of the Nuisance Abatement Ordinance was a pretext for avoiding the requirements of its local coastal program. The court further finds that there was not, in fact, a nuisance or prospective nuisance at the time the Nuisance Abatement Ordinance was enacted.

SUMMARY OF FACTS

Based upon the evidence presented by the parties in their pleadings, the testimony of the witnesses, exhibits admitted into evidence including designated portions of the Administrative Record, and the oral argument of counsel, this Court finds the following facts.

There are numerous facts that are not in dispute. The Dana Point Headlands (Headlands) was one of the last undeveloped coastal promontories in Southern California and inaccessible to the public. In 2002, the City proposed to amend its certified local coastal

program (LCP) to allow development of the Headlands. On January 15, 2004, the Commission approved the LCP Amendment (LCPA) with modifications necessary to bring the LCPA into conformity with the Coastal Act.

The Headlands project included public parks and trials in the area known as the Strand. The Strand is an expansive slope/bluff top area with a public parking lot and linear view park. A residential development with multi-million dollar homes is being developed on the slope/bluff face and a public beach lies at the toe of the bluff. Several public access ways, three of which are owned by the City and two of which are at issue here, provide public access though the development to the beach. The two access ways that are at issue here are the Mid-Strand and Central Strand access ways.

The parks and trials officially opened to the public on January 7, 2010.

The Court took judicial notice of the following facts pursuant to Evidence Code Section 452(h): On December 21, 2014, the sun rose at 6:55 a.m. and set at 4:48 p.m. and twilight was from 6:27 a.m. to 5:16 p.m. On June 21, 2015, the sun rose at 5:42 a.m. and set at 8:08 p.m. and twilight was from 5:13 a.m. to 8:37 p.m.

In addition to these facts, the Court finds as follows:

In 2008, the developer of the Dana Point Headlands asked the Defendant/Respondent Commission (Commission) to eliminate the Mid-Strand access way due to geotechnical and engineering difficulties. The Commission denied the request.

On May 11, 2009, the City enacted Ordinance No. 09-05 to address the new parks and facilities including those at the Headlands. The staff report was void of any mention or discussion of a nuisance condition or prospective nuisance condition at the Mid-Strand and Central-Strand access ways. Pertinent to this case, Ordinance 09-05 merely amended the existing Ordinance to set the hours of use for the new facilities. At the time Ordinance 09-05 was passed, the gates in controversy had already been installed.

On October 7, 2009, the Commission staff and City staff meet at the development site. During the site visit, Commission staff observed that gates had been installed at the entry points to the Mid-Stand and Central Strand beach access ways and that signed had been

posted listing public hours from 8 a.m. to5 p.m. October through April and from 8 a.m. to 7 p.m. May through September. The signs also directed users to other access ways for beach access when the gates were closed. After the site visit, Commission staff followed up with a letter to the City advising that the gates and restrictive hours of operation were contrary to the LCPA and Coastal Act. Commission Staff further advised that an LCP amendment and permit were required for the gates.

On November 5, 2009, the City responded that it disagreed with Commission staff contending that it had not violated the LCPA or permit requirements. On November 20, 2009, the Commission sent a letter of violation to the City advising that the City could be subject to enforcement proceedings.

On February 18, 2010, the parties met but were unable to resolve the matter. On March 4, 2010, the Commission sent a letter requesting that the gates be removed and that the signs be replace by April 2, 2010. Subsequently, the Commission learned that the City planned to adopt an urgency ordinance to declare the existence of a public nuisance condition at the Strand. On March 22, 2010, the Commission sent the City a letter advising that Commission staff had reviewed the staff report and supporting documentation regarding the proposed urgency ordinance and found that the police reports the City relied on did not provide adequate support for a claim of nuisance.

On March 22, 2010, the City Council met to enact Urgency Ordinance 10-05, the Nuisance Abatement Ordinance. In the attendant staff report and at the City Council meeting, staff informed the City Council members that Coastal Act 30005(b) gave the City the ability to declare a public nuisance. Staff further informed the council members that the purpose of the meeting was to "set a clear record of nuisance which is exempt from the Coastal Act." (Exh. 6, pg. 3) On March 24, 2010, the Commission was advised that the Urgency Ordinance had been passed on March 22, 2010.

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ISSUES

The following issues were submitted to the Court at trial:

1. Whether the City's enactment of the Nuisance Abatement Ordinance was a pretext for avoiding the requirements of its local coastal program.

2. Whether there was an actual nuisance.

3. If there was an actual nuisance, whether the development mandated by the Nuisance Abatement Ordinance exceeded the amount necessary to abate that nuisance.

LAW

Nuisance

Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square; street, or highway, is a nuisance. *Civil Code section 3479.*

A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. *Civil Code section 3480.*

"The public nuisance doctrine is aimed at the protection and redress of community interests and, at least in theory, embodies a kind of collective ideal of civil life which the courts have vindicated by equitable remedies since the beginning of the 16th century." *(People ex rel. Gallo v. Acuna (1997) 14 Cal.4th 1090, 1103 [60 Cal.Rptr.2d 277, 929 P.2d 596].)*

In determining whether something is a "public nuisance," the focus must be upon whether an entire neighborhood or community or at least a considerable number of persons are affected in the manner and by the factors that make the thing a nuisance under the Civil Code section defining nuisance; i.e., a private nuisance does not become a public nuisance merely because the public may be said to be affected in some tangential manner, rather than

specifically in the manner set forth in that Civil Code section. *Beck Development Co. v. Southern Pacific Transportation Co. (App. 3 Dist. 1996) 52 Cal.Rptr.2d 518, 44 Cal.App.4th 1160, 1213* review denied.

Although a Civil Code section sets forth the acts which constitute a nuisance in the present tense, an affected party need not wait until actual injury occurs before bringing an action to enjoin a nuisance, but where the demand for injunctive relief is based upon the potential or possibility of future injury, at least some showing of the likelihood and magnitude of such an event must be made. *Beck Development Co. v. Southern Pacific Transportation Co. (App. 3 Dist. 1996) 52 Cal.Rptr.2d 518, 44 Cal.App.4th 1160, 1213.* review denied.

"A mere possibility or fear of future injury from a structure, instrumentality, or business which is not a nuisance per se is not ground for injunction, and equity will not interfere where the apprehended injury is doubtful or speculative; reasonable probability, or even reasonable certainty, of injury, or a showing that there will necessarily be a nuisance, is required." *Beck Development Co. v. Southern Pacific Transportation Co. (App. 3 Dist. 1996) 52 Cal.Rptr.2d 518, 44 Cal.App.4th 1160, 1213 citing (66 C.J.S., Nuisances, § 113, p. 879.)* And the proof required cannot be speculative and must amount to more than the conclusory opinions of experts. *Id at 1213 citing (Jardine v. City of Pasadena (1926) 199 Cal. 64, 75, 248 P. 225.)* Thus, while no one has the right to inflict unnecessary and extreme danger to the life, property and happiness of others *(County of San Diego v. Carlstrom (1961) 196 Cal.App.2d 485, 491, 16 Cal.Rptr. 667),* to establish a nuisance the plaintiff must demonstrate an actual and unnecessary hazard. *Beck Development Co. v. Southern Pacific Transportation Co. (App. 3 Dist. 1996) 52 Cal.Rptr.2d 518, 44 Cal.App.4th 1160, 1213 citing (People v. Oliver (1948) 86 Cal.App.2d 885, 889–890, 195 P.2d 926.)*

A prospective nuisance may be enjoined, yet facts must be alleged to show the danger is probable and imminent. *Helix Land Company, Inc. v. City of San Diego (1978) 82 CalApp3rd 932, 961 citing Nicholson v. Getchell, 96 Cal. 394, 396, 31 P. 265.* In *Baldocchi v. Fifty Four Sutter Corp., 129 Cal.App. 383, 393, 18 P.2d 682, 687,* the court imposed this

prerequisite to injunctive relief against nuisance: "The injury, it is true, may be only slight, but it must be real and ascertainable as distinguished from fanciful and imaginary." Here there is a distinct lack of fact allegation from which it can be reasonably concluded that the prospective nuisance (not committed by either of these defendants) is either probable or imminent. *Helix Land Company, Inc. v. City of San Diego (1978) 82 CalApp3rd 932, 961.*

DISCUSSION

Plaintiff/Petitioner City of Dana Point failed to meet its burden of proof to show the passage of the Nuisance Abatement Act was in response to a nuisance or prospective nuisance in the area of the Mid-Strand gate and the Central Strand gate. As such, it was not a legitimate exercise of its police powers under Coastal Commission Act 30008.5. Assuming there was a nuisance or prospective nuisance, the City clearly exceeded the amount of action necessary to simply abate the nuisance. The evidence in this case clearly shows that the City's enactment of the Nuisance Abatement Ordinance was pretextural and designed to avoid the requirements of the Coastal Act and the City's Local Costal Program.

Plaintiff's evidence and arguments were specious. The City argued pursuant to the LCP, it had the authority to set hours for the trails and pursuant to that authority, on May 11, 2009, the City Council acted on that authority and set the hours at 8 a.m. – 5 p.m. and 8 a.m. – 7 p.m. in what was entitled an "Ordinance Amending Chapter 13-04 to Address New Parks and Facilities in the City". Neither the staff report for Ordinance 09-05 nor any other portions of the record indicated that the 09-05 Ordinance was in response to a nuisance or prospective nuisance. There was no mention of nuisance whatsoever. Additionally, it is noteworthy that the gates in question had already been installed at the time of the meeting. The argument, however, that the gates were "specifically authorized" based on icons on the drawings was not advanced until after the 90-05 ordinance was passed. In fact, there was no mention of gates in the 09-05 Ordinance. The fact that the City would vigorously maintain the position that it was "specifically authorized" to install the gates based on icons on the drawings which is in contravention of the express language of the LCP which prohibits gates undermines the City's credibility.

The follow-up Ordnance, entitled, "Nuisance Abatement Ordinance 10-05" was the result of a hastily called meeting to address the Coastal Commissions' threat of litigation. The timing of the Ordinance in such close proximity to the Coastal Commission's "threat of litigation" coupled with the staff representation to the City Council that declaring a nuisance would avert the costly litigation is revealing.

The staff report and commentary on which the City Council relied, indicated that the meeting was called as a follow-up to the previous action in Ordinance 09-05 which set the hours for the new amenities. Further, the meeting was to clarify that the City Council was using its police powers in both Ordinance 09-05 and Ordinance 10-05 to abate a nuisance. The staff report (Exh. 6, pg. 2) states, "Since the adoption of Ordinance 09-05, Police Services, the City's Natural Resources Protection Officer, and Community Development staff (which includes Code Enforcement) have reported an inordinate amount of enforcement activities that have occurred, and that continue to occur at an alarming pace at the project site. In the last 13 months there have been over 130 documented calls for police services at Dana Strands. This call level far exceed the amount of calls to any other localized area of the City, including areas that have traditionally received the heaviest levels of calls for service." At the meeting, City staff emphasized these statements as facts and the Council was provided with impassioned commentary as to the urgent necessity to abate a nuisance. The fact is, however, there was no discussion regarding any specific facts to support the assertion that there was an "inordinate amount of enforcement activity" in the area of the access ways in questions. Moreover, the staff report did not contain any such supporting documentation. The one document that was included in the staff report and displayed at the City Council Meeting was the chart which showed that Dana Strands had 139 calls in the preceding 12 months - 80 more than the next closest number of calls in the City. The total numbers were discussed and the witnesses testified that they relied on the chart, the numbers, and staff recommendation in voting to enact the Nuisance Abatement Ordinance. As will be discussed below, the failure of the City Council to look behind the total numbers to determine if, in fact, a nuisance existed is further evidence that the Council's actions was a

pretext. And the after-the-fact testimony from the witnesses at trial that they *thought* there was a nuisance situation or prospective nuisance situation when there clearly was no effort to confirm the existence of a nuisance or prospective nuisance was not persuasive.

What was persuasive to the court was the fact that the chart in the staff report and displayed at the City Council meeting (Exh. 6 pg. 121) and relied upon by the City Council in making its decision, conveniently omitted the one park in the area that had hundreds of calls within the same time frame, La Plaza Park. Interestingly, law enforcement admitted leaving out this area as it would skew the results. And that it did. That same law enforcement representative testified at the May 22, 2010 City Council meeting that the La Plaza Park area had hundreds of calls and was one of the three areas he would deem a nuisance. The City Council, however, never took any action to declare a nuisance in the La Plaza Park area or in the other two areas the officer would deem a nuisance. Moreover, the law enforcement representative admitted that despite the hundreds of calls related to La Plaza Park, law enforcement and the community worked together to control the activity rather than declare a nuisance.

In the instant case, the City Council, whether intentional or unintentional, failed to look behind the numbers in the Dana Strand area or to compare that situation with the La Plaza Park area opting instead to exercise its police powers and declare a nuisance in the Mid-Strand and Central Strand access ways. There was simply no rational basis for the Council's action.

There was mention in the staff report and at the Council meeting of the increase in calls since the opening of the amenities in January 2010. Law enforcement was represented to have facts to back up the statistics, however as mentioned previously, there was no discussion of the nature and extent of the 139 calls in the Strand area. During the public comment session, two of the three members of the public who offered testimony alleged there was no police evidence to support the urgency measure. One of the speakers suggested that only two of the calls were in the vicinity of the trails at issue. (Exh. 8 pg 21-22) The allegations went unchallenged by the City. The response from City staff was to comment on

the Council's ability to "prohibit a nuisance" thus appearing to concede, as it also appeared to do at trial, that there was no nuisance condition that exited at the time[1](Exh. 8 pg. 23).

At trial, none of the civilian witnesses who voted on the Ordinance provided any evidence of a nuisance or prospective nuisance that was known to them at the time they enacted the Nuisance Abatement Ordinance. Rather, the witnesses offered conclusory comments regarding protecting the public safety and a belief that nuisance existed or would exist if the gates were not installed and locked during the proscribed hours[2]. Additionally, no evidence was advanced to indicate that public safety concerns necessarily equates to a nuisance or prospective nuisance. There was nothing more than speculation, conjecture and fear mongering.

Without looking behind the total numbers, and with the knowledge that there were other areas in the City with far more calls and police activity yet no declaration of nuisance, the City relies on the increase in calls and increase in police activity as a basis for enacting the Urgency Ordinance. The fact is; there is no evidence in the staff report, from the City Council meeting, or the testimony of the witnesses that the calls were in the area of the Mid-Strand and Central Strand trails. Additionally, an overwhelming number of the calls were during the day when the gates were open. (Exh. 6 pg. 93 – 98) And, the calls were generally for relatively minor offenses such as suspicious persons, vandalism, suspicious vehicles, illegally parked cars, and trespassing. Similarly, the evening calls were for equally minor activity including burglar alarms, suspicious persons, vandalism, trespass, traffic stops, suspicious persons in vehicles and miscellaneous narcotics. Few, if any, of the calls were even close to the vicinity of the Mid-Strand and Central Strand trails. A review of actual

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[1] Further evidence of staff's apparent concession that there was no known nuisance at the time was the insistence in the City's closing argument that the court must find that pretext was the "sole" reason for the enactment of the Nuisance Abatement Ordinance. Additionally, Counsel admitted that the City was "fed up" with the Commission and took advantage of a provision where they did not have to work with the Commission. He further conceded that the urgency aspect of the Ordinance was because of the threat of litigation by the Commission. Counsel also made similar comments at the City Council meeting set to enact the Nuisance Abatement Ordinance. He informed the Council that the Commission had threatened to sue and that enacting the ordinance would avoid unnecessary litigation. (Exh. 8, pg. 4 City Council meeting transcript)

[2] One witness testified that she may not have agreed with the hours chosen by the council but believed that they had the right to set the hours.

police reports, presumably chosen by staff because they are the most egregious acts necessitating the Nuisance Abatement Ordinance, reveals a vandalism on March 10, 2010 at approximately 9:57 a.m. wherein four teens were observed "throwing rocks at the fence line and breaking the decorative tops off the fence." (Exh. 6 pg. 32 -42); a resisting arrest and trespassing into protected habitat some two months earlier on January 10, 2010 at 4:20 in the afternoon related to veering off the trails at Cove and Green Lantern (Exh. 6 pg. 43-55); and four months earlier, a trespass on August 28, 2009 at 6:45 a.m. wherein two individuals climbed the fence to enter a construction zone and uprooted eight plants from a planter. (Exh. 6 pg. 56 – 64). The infrequency of the reports coupled with the remoteness in time and the relatively minor offenses shows that there was no nuisance or prospective nuisance in the reference area.

It should also be noted that, Mr. Greenwood, the law enforcement representative, who participated in developing the staff report, testified at the City Council meeting as well as at trial and was expected to provide the statistical and professional support for the Urgency Action. In fact, however, he offered no specifics either in the report, at the City Council meeting or at trial. At the City Council meeting as well as at trial, he emphatically declared that the council must maintain the gates and the hour as to do the otherwise, in his opinion, would result in "vandalisms, burglaries, thefts, trespassing. There will be teenage drinking, teenage smoking, sex parties, sex, drugs, rock and roll." (Exh. 8, Transcript, pg. 11)

Mr. Greenwood was correct when he acknowledged at the City Council meeting that he was "not a soothsayer." (Exh. 8, Transcript, pg. 12) Clearly, there was no basis in fact for the predictions. The number of calls nor the summary of police reports supports the conclusion that failure to maintain the gates and the restrictive hours would result in "sex, drugs, rock and roll". It made for good theatre against the backdrop of threatened litigation from the Coastal Commission. It was not, however, rooted in reality and there was no showing of anything more than a mere possibility of fear of future injury. *See Beck at 1213.* It was simply hyperbole to support a previous decision in Ordinance 09-05 to install gates

and set hours which was clearly not based on nuisance or the threat of nuisance. Neither was the Urgency Ordinance. Clearly, then, the passage of the Urgency Ordinance was a pretext and designed to avoid the requirements of the Coastal Act and the City's Local Costal Program. As summarized by City staff at the Council meeting where the Urgency Ordinance was enacted, "[r]ather than have to fight them [Commission] and deal with their threat of litigation, staff concluded that the best thing to do, the most cost efficient thing to do for the City is to go through a much more formalized process this evening so that we can set forth a very clear record as to why we believe that there's a need to declare a public nuisance at the location, to prohibit those nuisances and to abate those nuisances, and leave no question as to that having been the previous action. " (Exh. 8, pg. 4). The record, however, is clearly devoid of any such evidence. What we have here is sheer speculation amounting to nothing more than the conclusory opinions of staff and law enforcement experts. *See, (Jardine v. City of Pasadena (1926) 199 Cal. 64, 75, 248 P. 225.)* Plaintiffs failed to demonstrate an actual and unnecessary hazard and thus there was no nuisance condition or prospective nuisance. *See, (People v. Oliver (1948) 86 Cal.App.2d 885, 889–890, 195 P.2d 926.)* Accordingly, the Court finds the Urgency Ordinance was a pretext for avoiding the City's obligations under the local coastal program.

In addition to the designated portions of the Administrative Record, the Court's findings are also supported by the Court's observations of the manner and demeanor of the witnesses while testifying. The Court finds that the Petitioner/Plaintiff failed to meet its burden of proof and therefore finds in favor of Respondent/Defendant.

Respondent/Defendant is the prevailing party.

IT IS ORDERED, ADJUDGED, AND DECREED that:

1. Judgment shall issue in favor of Respondent/Defendant.
2. The Petitioner/Plaintiff's request for a peremptory writ of mandate to prohibit the Commission from exercising jurisdiction of the development resulting from the Urgency Ordinance is denied.

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Conclusion

This proposed statement of decision shall become the Court's statement of decision, unless within the time provided by law either party specifies additional controverted issues, or makes proposals which are not covered in the proposed statement of decision. Counsel for the Respondent/Defendant shall prepare the proposed order.

Dated: Sept. 17, 2015

Randa Trapp

RANDA TRAPP
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

Central
330 West Broadway
San Diego, CA 92101

SHORT TITLE: City of Dana Point vs. California Coastal Commission

CLERK'S CERTIFICATE OF SERVICE BY MAIL	CASE NUMBER: **37-2010-00099827-CU-MC-CTL**

I certify that I am not a party to this cause. I certify that a true copy of the Staement of Decision was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 09/17/2015.

Clerk of the Court, by: A. Shirley, Deputy

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