IN THE SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BENITO COURTROOM 1

Center for Biological Diversity and Protect San Benito County Plaintiff/Petitioner, V.	Case No. CU-22-00247 Event Date: 02/03/2025 Event Type: Motion Hearing Mtn/OSC: Leave Add'l Info: ZOOM-Notice of Motion and Send
San Benito County) Defendant/Respondent.	Motion for Leave to Intervene Judge: Omar Rodriguez Clerk: Melinda Brazil Reporter:

Civil Unlimited - Minutes

Appearances:

There are no appearances as the motion was granted via a tentative ruling.

Nature of Proceedings:

Tentative Ruling: "The Motion filed by the People of the State of California ("People") for Leave to Intervene is GRANTED. The standard for intervention as a matter of right is stated in Code of Civil Procedure section 387(d): "The court shall, upon timely application, permit a nonparty to intervene in the action or proceeding if . . . a provision of law confers an unconditional right to intervene." Courts have held that this provision "should be liberally construed in favor of intervention." (Lindelli v. Town of San Anselmo (2006) 139 Cal.App.4th 1499, 1505.)

The People, through the Attorney General, have an unconditional right to intervene in the current action pursuant to Government Code section 12606, which provides: "The Attorney General shall be permitted to intervene in any judicial or administrative proceeding in which facts are alleged concerning pollution or adverse environmental effects which could affect the public generally." Government Code section 12606 is to be read in conjunction with Public Resources Code section 21167.7, which requires service of all CEQA pleadings on the Attorney General, and Code of Civil Procedure section 388, which requires pleadings alleging environmental damage to be served on the Attorney General. CEOA's service requirement "has the effect of informing that office of the action and permits the Attorney General to lend its power, prestige and resources to secure compliance with CEQA and other environmental laws. . . . " (Schwartz v. City of Rosemead (1984) 155 Cal. App. 3d 547, 561.) "(T)he Attorney General can intervene in an action to enforce compliance with CEQA." (Id. at p. 556, fn. 7.) Protecting tribal cultural resources is in the public interest. As described above, the Tribe's Petition alleges that Respondents violated CEQA and that the Project will result in irreparable harm to invaluable tribal cultural resources. (See Pub. Resources Code, § 21084.2.) In looking at the procedural history, the initial motion to intervene was moot when this court dismissed the petition after sustaining the demurrer. Res judicata prevents parties from relitigating the same cause of action in a second suit after there is final judgment on the merits. (Mycogen Corp. v. Monsanto Co. (2002) 28 Cal. 4th 888, 896.). The People's second motion for leave to intervene is timely because the case is at an early stage and no party could be prejudiced

by intervention at such an early juncture. When a provision of law confers an unconditional right to intervene, as Government Code section 12606 does here, courts still inquire into whether the motion is timely. (Code of Civ. Proc. § 387, subd. (d); Mar v. Sakti International Corp. (1992) 9 Cal.App.4th 1780, 1784.)"

At 4:00 p.m. on 01/31/2025 having been no objections to the tentative ruling the ruling is adopted s order of the court.