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*EXEMPT FROM FILING FEES  
PURSUANT TO GOV. CODE § 6103*

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES

12 **SAFARI CLUB INTERNATIONAL;  
13 CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED;  
14 CALIFORNIA BOWMEN  
HUNTERS/STATE ARCHERY  
15 ASSOCIATION; HOWL FOR WILDLIFE,  
INC.; CALIFORNIA DEER  
16 ASSOCIATION; and COALITION TO  
SAVE CATALINA ISLAND DEER,**  
17  
18 Petitioners,  
19  
20 v.  
21  
22 **CALIFORNIA DEPARTMENT OF FISH  
AND WILDLIFE; and DOES 1-10,**  
23  
24 Respondents,  
25  
26 **CATALINA ISLAND CONSERVANCY,**  
27  
28 Real Party in Interest..

Case No. 26STCP00987  
**OPPOSITION TO PETITIONERS'  
MOTION TO CONFORM FILING DATE  
TO ATTEMPTED TRANSMISSION  
DATE OR OTHER APPROPRIATE  
RELIEF**  
Date: June 11, 2026  
Time: 1:30 p.m.  
Dept: 86  
Judge: Honorable Curtis A. Kin  
Action Filed: March 10, 2026

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1 **INTRODUCTION**

2 In 2025, Real Party in Interest, the Catalina Island Conservancy (Conservancy), applied  
3 for a Restoration Management Permit (RMP) from Respondent California Department of Fish  
4 and Wildlife (Respondent or Department) for the Catalina Island Restoration Project (Project). On  
5 January 28, 2026, the Department determined the potential issuance of an RMP to the  
6 Conservancy for the Project would qualify for the California Environmental Quality Act (CEQA)  
7 Statutory Exemption for Restoration Projects (SERP) because the Project meets the SERP  
8 eligibility criteria provided by Public Resources Code section 21080.56. Pursuant to that same  
9 Code section, the Department filed the first Notice of Exemption (NOE) on January 28, 2026. On  
10 January 30, 2026, the Department approved and issued a RMP to the Conservancy for the Project.  
11 After this approval, the Department filed a second NOE pursuant to California Code of  
12 Regulations, title 14, section 15062 (CEQA Guidelines) on February 2, 2026.

13 Unhappy with the approval, on February 11, 2026, several of the organizations who are  
14 now part of the Petitioners’ coalition submitted objections to the Department outlining their  
15 perceived deficiencies with the Project. Nearly a month later, on March 4, 2026, Petitioners sent,  
16 via U.S. Mail, a written notice of intent to commence the current action. The notice indicated  
17 Petitioners would bring a suit to challenge the Department’s decision to exempt the Project from  
18 CEQA review under SERP.

19 Based on CEQA’s statutorily provided statute of limitations, Petitioners had 35 days from  
20 February 2, 2026, to file their suit. Although Petitioners had been put on notice twice through two  
21 NOEs, submitted objections, and provide a notice of intent to sue, Petitioners still filed their  
22 Petition for Writ of Mandate or Other Appropriate Relief (Petition) on March 10, 2026, rather  
23 than March 9, 2026, the statutory deadline. Petitioners’ error, regardless of reason, resulted in an  
24 untimely filed Petition. Understanding the fatal error, on March 18, 2026, Petitioners filed their  
25 Notice of Motion and Motion to Conform Filing Date to Attempted Transmission Date or Other  
26 Appropriate Relief (Motion to Conform) requesting the Court change the filing date to March 9,  
27 2026, or grant other relief allowing the case to move forward.



1           **A.   Petitioners Have Failed to Show a Transmission Error Occurred That Was**  
2           **No Fault of Their Own**

3           Petitioners request the Court deem the Petition filed on March 9, 2026, due to a  
4           “transmission error that is not the fault of the transmitter.” (Motion, p. 3:15-16.)<sup>1</sup> Petitioners cite a  
5           2019 Los Angeles County Superior Court General Order which contains language that, as  
6           relevant to Petitioners’ motion, is nearly identical to Local Rule 3.4(g). (See Los Angeles County  
7           Superior Court First Amended General Order re Mandatory Electronic Filing for Civil [2019-  
8           GEN-014-00], ¶ 7; see also Local Rule 3.4(g).)<sup>2</sup> Since Local Rule 3.4(g) remains in effect and the  
9           rescinded General Order was nearly identical, Respondent cites to the Local Rule for ease of  
10          reference.<sup>3</sup>

11          Important here, Local Rule 3.4(g) provides:

12          Notwithstanding any other provision of this Local Rule, if a digital document is  
13          not filed in due course **because of** (1) an interruption in service; (2) **a**  
14          **transmission error that is not the fault of the transmitter**; or (3) a processing  
15          failure that occurs after receipt, the court may order, either on its own motion or  
16          by noticed motion submitted with a declaration for court consideration, that the  
17          document be deemed filed and/or that the document’s filing date conform to the  
18          attempted transmission date.

19          (Local Rule 3.4(g), emphasis added.) Although Petitioners provide their version of the facts, those  
20          facts fail to show the untimely filing was the result of a transmission error outside Petitioners’  
21          control rather than inexperience and inadequate preparation on Petitioners’ end. Therefore, the  
22          Court should use its discretion to deny Petitioners’ motion.

23          <sup>1</sup> Petitioners make no argument regarding the other two subsections of the Superior Court  
24          of Los Angeles County, Local Rules, rule 3.4(g) (“Local Rule 3.4(g)”), which are an interruption  
25          in service or a processing failure that occurred after receipt. Therefore, Petitioners have forfeited  
26          any theory of timely filing that rests on either of those subsections.

27          <sup>2</sup> On March 20, 2026, the Los Angeles Superior Court filed the Order Rescinding General  
28          Order in re Mandatory Electronic Filing for Civil (2026-GEN-004-00). That Order states, General  
29          Order 2019-GEN-014-00 “is hereby rescinded,” and that “Requirements concerning electronic  
30          filing are contained in the Superior Court of Los Angeles County, Local Rules, rule 3.4.”

31          <sup>3</sup> In relevant part, General Order 2019-GEN-014-00, subdivision (7)(a)(ii) states,  
32          “Notwithstanding any other provision of this order, if a digital document is not filed in due course  
33          because of: (1) an interruption in service; (2) transmission error that is not the fault of the  
34          transmitter; or (3) a processing failure that occurs after receipt, the Court may order, either on its  
35          own motion or by noticed motion submitted with a declaration for Court consideration, that the  
36          document be deemed filed and/or that the document’s filing date conform to the attempted  
37          transmission date.”

1                   **1. The Timeline Provided by Petitioners Shows a Lack of Diligence**

2                   Petitioners’ filing was not late because of a transmission error; it was late because of  
3                   myriad planning failures that culminated in an ultimately unsuccessful last-minute filing attempt.  
4                   Petitioners have been aware of the Project for months, if not years, and have been intimately  
5                   involved in public meetings and sending objections to the Department. (Petition, ¶¶ 20, 25, 35-  
6                   39.) Additionally, Petitioners sent a Notice of Intent to File Suit under CEQA on March 4, 2026,  
7                   indicating they would be filing a suit challenging the Department’s decision to use a statutory  
8                   exemption from CEQA for the Project. (Petition, ¶ 19.) Further, Petitioners counsel’s declaration  
9                   states, “Over the weeks of assisting counsel in preparing the Petition, the Firm’s primary  
10                  paralegal became familiar with the nature of this matter, the parties involved, what filings the  
11                  Petition would include, and related deadlines.” (Declaration of Sean A. Brady in Support of  
12                  Petitioners’ Notice of Motion and Motion to Conform Filing Date to Attempted Transmission  
13                  Date or Other Appropriate Relief (“Brady Decl.”), ¶ 3.) Thus, Petitioners admit to working on the  
14                  Petition for weeks ahead of the filing date. However, the fact that Petitioners waited until the  
15                  literal eleventh hour to attempt to file the Petition is of their own doing and not due to external  
16                  factors or unknown deadlines.

17                  Even once it became the eleventh hour—i.e., the afternoon of March 9—Petitioners’  
18                  declarations illustrate that their own actions were the precipitating causes of the late filing, not  
19                  transmission error. From the beginning it is unclear why it took so long for the Petition to be  
20                  filed. As mentioned, Mr. Brady asserts the preparation of the Petition had been ongoing for  
21                  weeks. (Brady Decl., ¶ 3.) He further notes on the morning of March 9, he provided the final  
22                  instructions to the paralegal to prepare and finalize the document for filing. (Brady Decl., ¶ 4.)  
23                  However, at 3:30 p.m. on March 9 the Petition had still not been filed. (Brady Decl., ¶ 5.) At this  
24                  point, presumably several hours had passed since Mr. Brady provided the lead paralegal with  
25                  initial instructions to finalize and file the Petition, but none of Petitioners’ declarations explain  
26                  why the electronic filing had not been completed – or even started – by this time.

27                  According to the declarations, around 3:30 p.m., the lead paralegal was required to leave  
28                  due to an unexpected medical emergency. (Declaration of Haydee Villegas in Support of

1 Petitioners' Notice of Motion and Motion to Conform Filing Date to Attempted Transmission  
2 Date or Other Appropriate Relief ("Villegas Decl."), ¶ 4; Brady Decl., ¶ 5.) At this time, it  
3 becomes apparent the firm does not have a contingency plan for when the lead paralegal becomes  
4 unavailable because Mr. Brady assigned Ms. Villegas to take over the task of filing the Petition.  
5 (Brady Decl., ¶ 5.) There is no indication Ms. Villegas is trained as a paralegal; rather she is  
6 employed as "the Firm's Finance Manager."<sup>4</sup> (Brady Decl., ¶ 5.) Although Ms. Villegas  
7 volunteered to assist in the filing (Villegas Decl., ¶ 5), it is questionable why Ms. Villegas would  
8 have been tasked with such an important filing. According to Mr. Brady, "Ms. Villegas is familiar  
9 with the process of legal filings generally, but she does not usually perform legal filing for the  
10 Firm." (Brady Decl., ¶ 6; Villegas Decl., ¶ 5 ["My duties at the Firm do not usually involve legal  
11 filings, but I was the only person at the Firm with experience handling the Firm's filings who was  
12 available on such short notice"].) Indeed, Ms. Villegas was not acquainted with the matter and  
13 required instructions as to how to file, and what documents to file. (Brady Decl., ¶ 6.) The  
14 declarations lack any explanation for why an attorney did not take over the filing duty or why it  
15 was appropriate to appoint the Firm's Finance Manager to the job, other than she was the only  
16 person available. (Villegas Decl., ¶ 5.) The declarations do, however, suggest Petitioners' counsel  
17 was not present during the filing attempt. "Ms. Villegas maintained regular communication with  
18 counsel for the Firm, including myself, while she worked on determining what needed to be done  
19 to complete the filing, exchanging various messages and calls." (Brady Decl., ¶ 7; Villegas Decl.,  
20 ¶ 7 ["I had to exchange multiple messages with the Firm's counsel assigned to the matter to  
21 confirm details of the filing instructions and that I was doing what they needed correctly and  
22 completely"].) All of this information illustrates a failure to plan for the lead paralegal's absence.  
23 These facts show that Petitioners set themselves up for failure, and when the electronic filing was  
24 not executed properly, it resulted in an untimely filing. However, the potential for an untimely  
25 filing began hours prior to any attempt to file the Petition, not at 11:18 p.m., the first attempted  
26 filing.

27 <sup>4</sup> Mr. Brady's and Ms. Villegas' Declarations stated that Ms. Villegas is the Firm's  
28 Finance Manager. (Brady Decl., ¶ 5; Villegas Decl., ¶ 1.) However, the Motion describes Ms.  
Villegas as "counsel's legal assistant." (Motion, p. 4:7.)

1                   **2. There Are Hours of Unaccounted for Time in Petitioners’**  
2                   **Declarations**

3                   In addition to the questionable personnel decisions made during the filing process,  
4                   Petitioners’ timeline is rife with gaps showing disregard for the looming deadline. The lead  
5                   paralegal had until 3:30 p.m. to file the Petition but failed to do so. Ms. Villegas began working  
6                   on the filing immediately after learning the paralegal was required to leave, but shortly thereafter  
7                   was also required to leave to drive her children to an appointment at 4:30 p.m. and did not return  
8                   until 6:30 p.m. (Brady Decl., ¶ 5; Villegas Decl., ¶ 6.) Therefore, between 4:30 p.m. and 6:30  
9                   p.m. on March 9, apparently no one continued to prepare the Petition for filing or attempted to  
10                  file the Petition. (See Brady Decl., ¶ 5.) Ms. Villegas resumed the process around 6:30 p.m. on  
11                  March 9. (Villegas Decl., ¶ 6.) However, it then took Ms. Villegas nearly four additional hours of  
12                  work to prepare the materials for filing. (Villegas Decl., ¶¶ 7-8.) As Ms. Villegas notes, during  
13                  this time she was still compiling the Petition and supporting documents, assembling and labeling  
14                  exhibits, finding and inserting verification pages, and combining all of the documents. (Villegas  
15                  Decl., ¶ 7.) This lapse in time suggests that Petitioners failed to adequately prepare. The many  
16                  additional hours spent preparing to file the petition after the lead paralegal left the office  
17                  eliminated all the time Ms. Villegas may have had to troubleshoot any issues that arose during the  
18                  actual filing attempts. This is not an issue with the transmission of documents, but an issue with  
19                  time management.

20                  After hours of purported additional work, Mr. Brady reviewed the documents to be filed  
21                  and authorized Ms. Villegas to proceed with filing the Petition around 10:40 p.m. on March 9.  
22                  (Brady Decl., ¶ 7.) According to Ms. Villegas, however, she did not begin her initial attempt at  
23                  filing the Petition and associated exhibits<sup>5</sup> until 11:18 p.m. on March 9, leaving only 42 minutes  
24                  until the filing deadline. (Villegas Decl., ¶ 8, Exhibit A.) The declarations do not provide a reason

25 \_\_\_\_\_  
26                  <sup>5</sup> It must be noted that CEQA does not require the filing of exhibits with a petition for writ  
27                  of mandate. Generally, all documents required for merits briefing will be compiled in the  
28                  administrative record at a later date. Therefore, the decision to attempt to file thousands of pages  
                  of additional documents with the Petition was a choice made by Petitioners, not one required by  
                  law.

1 why Ms. Villegas did not start the filing process for more than 40 minutes after receiving  
2 authorization to do so. (Brady Decl., ¶¶ 7-8; Villegas Decl., ¶ 8.)

3         According to Ms. Chevront, around 11:32 p.m., 15 minutes after logging in, Ms. Villegas  
4 began uploading the Petition and associated exhibits. (Declaration of Tiffany D. Chevront in  
5 Support of Petitioners’ Notice of Motion and Motion to Conform Filing Date to Attempted  
6 Transmission Date or Other Appropriate Relief (“Chevront Decl.”), ¶ 8.) However, the “One  
7 Legal Statement of Fact” states that Haydee Villegas began adding documents to the filing  
8 transaction at 11:32:41 p.m., but no further user activity was tracked between 11:32:47 p.m. and  
9 11:49:00 p.m. (Chevront Decl., Exhibit E.)<sup>6</sup> The lack of user activity suggests there was some  
10 kind of issue on Petitioners’ end, not One Legal’s. Further, this timeline shows the first attempt at  
11 uploading the documents was ongoing for more than 15 minutes before Ms. Villegas was  
12 purportedly logged out. (Villegas Decl., ¶¶ 8, 10; Chevront Decl., ¶¶ 7-10.) Given the fast-  
13 approaching deadline, it is unclear why troubleshooting actions were not attempted sooner.  
14 Additionally, there is no indication in the declarations that any assistance was proffered to Ms.  
15 Villegas, who had spent more than five hours attempting to prepare and file the Petition.

16         At 11:49 p.m., Ms. Villegas was navigated back to the One Legal homepage. (Chevront  
17 Decl., ¶ 10.) Ms. Chevront’s and Ms. Villegas’ declaration diverge at this time. Ms. Chevront  
18 states, “at approximately 12:02 AM, Ms. Villegas added documents to the transaction for the  
19 second time. While the One Legal Statement of Fact does not describe the document Ms. Villegas  
20 uploaded, I understand from my discussions with her that it was the Verified Petition only, so she  
21 could get it on file as quickly as possible.” (Chevront Decl., ¶ 14.) Ms. Villegas, however, stated  
22 that she attempted to upload the Petition and supporting documents again, but the system would  
23 not let her proceed. (Villegas Decl., ¶ 10.) Ms. Villegas then attempted to upload the Petition  
24 without the exhibits and was able to do so at 12:18 a.m. on March 10. (Villegas Decl., ¶ 11.)  
25 Rather than point to an issue with One Legal’s technology, Petitioners’ narrative suggests that  
26 technical difficulties were the result of Petitioners’ inexperience. Clearly, if Petitioners were able

27         <sup>6</sup> The “One Legal Statement of Fact,” as well as portions of Petitioners’ declarations, are  
28 unsigned, unsworn, and inadmissible hearsay. (See Respondent’s Objections to Evidence.)

1 to upload the Petition by itself – again, the exhibits were never required — One Legal’s system  
2 was properly working at the time. Further, Ms. Chevront claims there is no size limit to files  
3 being uploaded (Chevront Decl., ¶ 21) but also suggests that file size may have been the culprit  
4 (Chevront Decl., ¶ 20). This conclusion overlooks the possibilities that Petitioners’ internet  
5 connection was faulty, a file name was too long, the documents in the attachments were not  
6 properly formatted, etc.; the list of potential user errors is vast. All of this undermines Petitioners’  
7 burden of showing that the transmission issue was no fault of their own. At best, Petitioners have  
8 shown that they attempted to file a Petition with unnecessary documents attached — documents  
9 that, based on the declarations, were probably not formatted properly — and simply did not give  
10 themselves enough time to troubleshoot any issues that could arise. There is no indication that  
11 OneLegal or the court’s system was experiencing technical issues. Therefore, Petitioners have not  
12 shown that the transmittal delay was due to “technical issues with the online filing system that  
13 were beyond their control.” (Motion to Conform, p. 4:6.)

14 **B. The California Rules of Court Prohibit Delayed Transmissions for Initial**  
15 **Pleadings**

16 Regardless of the reason for Petitioners’ untimely filing, the California Rules of Court,  
17 which preempt many local rules related to pleadings, prohibit delayed transmission from being  
18 considered for complaints and other initial pleadings, in this case, the Petition.

19 Generally, the Legislature oversees the adoption and amendments of statewide rules that  
20 regulate trial court proceedings. (*Weiss v. People ex rel. Dept. of Transportation* (2020) 9 Cal.5th  
21 840, 857.) However, where the Legislature has not provided specific statutory guidance  
22 regarding specific Superior Court issues, the California Constitution allows for the Judicial  
23 Council to fill those statutory gaps. (Cal. Const., art. VI, § 6, subd. (d).) Further, Government  
24 Code section 68070, subdivision (a) authorizes the Superior Courts to make rules of their own  
25 government as long as those rules are not inconsistent with the rules adopted by the Judicial  
26 Council. “Courts also have the authority to adopt local rules, so long as those rules are consistent  
27 with statutory procedures adopted by the Legislature and the Rules of Court adopted by the  
28 Judicial Council. [Citations.] ... **Courts, however, do not have the authority to adopt**

1 **procedures or policies that conflict with statutory law or the Rules of Court.** [Citation.]”  
2 (*Weiss v. People ex rel. Dept. of Transportation* (2020) 9 Cal.5th 840, 857, emphasis added;  
3 *Elkins v. Superior Court* (2007) 41 Cal.4th 1337, 1351.)

4 California Rules of Court, rule 3.20(a) states that the “Judicial Council has preempted all  
5 local rules relating to pleadings, demurrers, ex parte applications, motions, discovery, provisional  
6 remedies, and the form and format of papers[.]” At issue here, is Local Rule 3.4(g), which is a  
7 rule related to pleadings. Therefore, where a conflict exists, California Rules of Court, rule  
8 3.20(a) preempts this Local Rule.

9 Local Rule 3.4(g) is inconsistent, at least in part, with California Rules of Court, rule  
10 2.259(c), and expressly preempted by California Rules of Court, rule 3.20(a). Local Rule 3.4(g)  
11 states, in part:

12 Notwithstanding any other provision of this Local Rule, if a digital  
13 document is not filed in due course because of (1) an interruption in service; (2) a  
14 transmission error that is not the fault of the transmitter; or (3) a processing failure  
15 that occurs after receipt, the court may order, either on its own motion or by  
16 noticed motion submitted with a declaration for court consideration, that the  
document be deemed filed and/or that the document’s filing date conform to the  
attempted transmission date.

17 This local rule supplements the application of California Rules of Court, rule 2.259(c), which  
18 provides:

19 **Delayed delivery[.]** If a technical problem with a court’s electronic filing system  
20 prevents the court from accepting an electronic filing on a particular court day,  
21 and the electronic filer demonstrates that he or she attempted to electronically file  
22 the document on that day, the court must deem the document as filed on that day.  
**This subdivision does not apply to the filing of a complaint or any other  
initial pleading in an action or proceeding.**

23 (Emphasis added.)

24 The Local Rule is at odds with the California Rule of Court because Local Rule 3.4(g)  
25 does not contain the same prohibition against delayed transmittals of a complaint or other initial  
26 pleading. Therefore, although Petitioners have argued that the Court could provide relief under  
27 the Los Angeles County Superior Court First Amended General Order, which tracks the language  
28 of Local Rule 3.4(g), that relief is not available to excuse a late-filed initial pleading (i.e., the

1 Petition) due to preemption by California Rules of Court, rule 2.259(c). Thus, even if the Court  
2 determines that a technical issue that was no fault of Petitioners occurred, because California  
3 Rules of Court, rule 2.259(c) prohibits this remedy when it concerns an initial pleading, the  
4 filings should not be back dated. A Rutter Guide Practice Pointer provides succinct advice on the  
5 initial pleading issue: “You can’t blame breakdowns in the court’s electronic filing system for  
6 missing a statute of limitations deadline.” (Edmon & Karnow, Cal. Practice Guide: Civil  
7 Procedure Before Trial (The Rutter Group June 2025) ¶ 9:94.6.) Here, regardless of reasons,  
8 Petitioners’ initial filing was late and no remedy exists, in this instance, for missing the statute of  
9 limitations. For this reason, the Court should deny Petitioners’ motion.

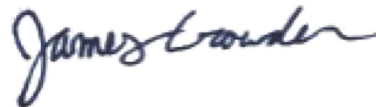
### 10 CONCLUSION

11 The California Rules of Court prohibit back dating electronically filed complaints or other  
12 initial pleadings like the Petition in this case. Beyond that prohibition, Petitioners have failed to  
13 show that the delayed transmission was due to an external transmission error rather than user  
14 error. Ultimately, Petitioners have failed to support the argument that the transmittal error was of  
15 no fault of their own. Therefore, Petitioners have failed to provide any legal basis to have the  
16 Petition backdated. For these reasons, the Department respectfully requests that this Court deny  
17 Petitioners’ Motion to Conform and keep the Petition’s filing date as March 10, 2026.

18 Dated: May 27, 2026

Respectfully submitted,

19 ROB BONTA  
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SA2026301204  
68479320

**DECLARATION OF SERVICE BY E-MAIL**

**Case Name:** Safari Club International, et al. v. California Department of Fish and Wildlife, et al.

**Case No.:** 26STCP00987

I declare:

I am at least 18 years of age and not a party to this matter. I am employed in the Office of the Attorney General of the State of California. My business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230, County of Los Angeles. My electronic service address is [beatriz.davalos@doj.ca.gov](mailto:beatriz.davalos@doj.ca.gov).

On May 27, 2026, I electronically served the **OPPOSITION TO PETITIONERS' MOTION TO CONFORM FILING DATE TO ATTEMPTED TRANSMISSION DATE OR OTHER APPROPRIATE RELIEF** by emailing it to the following individuals:

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*Attorneys for Real Party in Interest  
Catalina Island Conservancy*

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on May 27, 2026.

Beatriz Davalos  
\_\_\_\_\_  
Declarant

  
\_\_\_\_\_  
Signature