C.D. Michel – SBN 144258
Sean A. Brady – SBN 262007
Tiffany D. Cheuvront – SBN 317144
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Email: sbrady@michellawyers.com

Attorneys for Petitioners Safari Club International; California Rifle & Pistol Association, Incorporated; California Bowmen Hunters/State Archery Association; HOWL for Wildlife, Inc.; California Deer Association; and Coalition to Save Catalina Island Deer



**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

SAFARI CLUB INTERNATIONAL; CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED; CALIFORNIA BOWMEN HUNTERS/STATE ARCHERY ASSOCIATION; HOWL FOR WILDLIFE, INC.; CALIFORNIA DEER ASSOCIATION; and COALITION TO SAVE CATALINA ISLAND DEER,

Plaintiffs-Petitioners,

v.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, et al.,

Defendants-Respondents.

Case No.: 26STCP00987

**PETITIONERS' REPLY TO OPPOSITION OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE AND OPPOSITION OF CATALINA ISLAND CONSERVANCY TO MOTION TO CONFORM**

Hearing Date: June 11, 2026
Hearing Time: 1:30 PM
Department: 836
Judge: Hon. Curtis A. Kin

## INTRODUCTION

Both the Department's and the Conservancy's oppositions ask the Court to treat a malfunction of an e-filing platform that Petitioners were required to use as if it were a deadline missed through neglect. The record proves otherwise. Petitioners attempted to file before the deadline. During upload, the session terminated without warning, erased the information already entered, and forced Petitioners to restart the process. Petitioners immediately resumed when the system allowed, and the Petition was received minutes after midnight. But for the e-filing system's malfunction, the attempted filing would have been timely. Rather than offer evidence that the termination was Petitioners' fault, the Department and Conservancy speculate about counsel's staffing, file size, internet connection, and litigation strategy. Speculation does not overcome a record of a timely attempted filing interrupted by the malfunction of a mandatory e-filing system, which is precisely the circumstance Local Rule 3.4(g) addresses.

The Department and the Conservancy also argue that Local Rule 3.4(g) cannot provide Petitioners the relief they seek because it is preempted. Each has a different argument. Both are wrong. The Department argues that California Rules of Court, rule 3.20(a) forecloses any local rule relating to pleadings and that rule 2.259(c) precludes courts from changing the filing date of an initial pleading. The Department's reading of rule 3.20(a) is wrong. And Rule 2.259(c) does not preclude courts from doing anything, other than refusing to deem a non-pleading document to be filed on a date where the filer can show an attempted filing failed due to the court's electronic filing system.

The Conservancy argues that Petitioners' requested relief under Local Rule 3.4(g) would conflict with the authority strictly requiring dismissal of late-filed CEQA petitions. But none of that authority contemplates a timely attempted filing thwarted by the malfunction of a court-mandated e-filing service. Also, the Conservancy further overstates the automatic effect of CEQA's 35-day period.

## ARGUMENT

### I. RULE 3.20(A) DOES NOT FORECLOSE RELIEF UNDER LOCAL RULE 3.4(G)

The Department argues that California Rules of Court, rule 3.20(a) preempts any local rules relating to "pleadings, demurrers, ex parte applications, motions, discovery, provisional remedies, and the form and format of papers." (CDFW Oppn, p. 12.) The argument misconstrues both Rule 3.20 and Local Rule 3.4(g). To be sure, Rule 3.20(a) preempts local rules about these enumerated subjects. But it

expressly preserves local rules "otherwise permitted or required by a statute or a rule in the California Rules of Court." To the extent that Local Rule 3.4(g) relates to pleadings or motions at all, it neatly falls within that exception.

Most importantly, Local Rule 3.4(g) does not regulate pleadings, motions, or any other subject identified in Rule 3.20(a). It governs the administration of this Court's electronic filing system and the determination of filing dates, including in circumstances involving electronic filing service interruptions, transmission errors not attributable to the filer, and post-receipt processing failures. Such provisions concern *electronic filing administration*, not the substantive or procedural requirements for pleadings or motions. But even if it did relate to pleadings, motions, and the like as contemplated by Rule 3.20(a), Local rule 3.4(g) was adopted as part of this Court's electronic filing procedures and implements the electronic filing framework established by Code of Civil Procedure section 1010.6 and California Rules of Court rule 2.253. Indeed, Rule 3.4(g) expressly cites those authorities in identifying when an electronically transmitted document is deemed filed and in addressing interruptions in service, transmission errors, and processing failures.

Finally, if Rule 3.20 were read to prevent courts from conforming a filing date whenever an electronic filing defect affects timeliness, the Local Rule 3.4(g)'s remedial provision would be largely meaningless. The rule expressly authorizes the Court to deem a document filed and conform its filing date in certain instances. If that authority cannot be exercised where filing-date determinations matter—e.g., in cases involving statutory deadlines—the rule would have little practical application. Filing-date disputes arise precisely because timeliness has legal consequences. The Department's interpretation would therefore reduce the rule to a procedural formality rather than the operative filing-date mechanism it was designed to be.

## II. RULE 2.259(C) DOES NOT FORECLOSE RELIEF UNDER LOCAL RULE 3.4(G)

California Rules of Court, rule 2.259(c) does not conflict with Local Rule 3.4(g) as to the relief Petitioners seek and thus does not preempt it. Rule 2.259(c) *compels* courts to deem a document filed on the date a filer attempted but was prevented from filing by the court's electronic filing system. Petitioners do not contend that the Court is *required* to deem their filing timely. They ask the Court to *exercise its discretion* under Local Rule 3.4(g) to do so because a malfunction of the mandatory e-filing

service prevented completion of a timely attempted transmission. The fact that Rule 2.259(c) excludes initial pleadings from its *mandate* does not translate into a *prohibition* on a local rule permitting a court to consider an initial pleading filed on an earlier date. A rule that declines to *compel* relief in a category of cases is not a rule that forbids relief in those cases. (See *People v. Guzman* (2005) 35 Cal.4th 577, 587 [courts should not insert what has not been omitted or omit what has been inserted]; *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 195 ["Under the familiar rule of construction, *Expressio unius est exclusio alterius*,[1] where exceptions to a general rule are specified by statute, other exceptions are not to be implied or presumed."].) The converse is also true: merely because the Legislature expressly required a procedure in one circumstance does not necessarily mean it intended to forbid it elsewhere.

In any event, even if Rule 2.259(c) were read to deny courts discretion as to initial pleadings, it would not foreclose relief under Local Rule 3.4(g), because the two rules address different problems. Rule 2.259(c) addresses one narrow circumstance: when a technical problem with *the court's* electronic filing system prevents acceptance. Local Rule 3.4(g) addresses the broader mandatory e-filing process, including "an interruption in service," "a transmission error that is not the fault of the transmitter," and "a processing failure that occurs after receipt." That distinction is subtle but meaningful, and California courts have recognized it. (*Garg v. Garg* (2022) 82 Cal.App.5th 1036, 1047 [recognizing that "Rule 8.77(d) appears to be broader than rule 2.259(c) in allowing a 'failure *at any point* in the electronic transmission and receipt of a document' (citation) to serve as a ground for relief, not just a 'technical problem with a *court's* electronic filing system'"].) The malfunction here did not occur within the court's own system. It occurred during transmission through the court-approved Electronic Filing Service Provider ("EFSP"), before Petitioners could complete submission. Petitioners seek relief under Local Rule 3.4(g), not Rule 2.259(c).

This reading is reinforced by Code of Civil Procedure section 1010.6, which defines "electronic filing" as "the electronic transmission to a court of a document," and provides that electronic filing "concerns the activity of filing and does not include the processing and review of the document and its

[1] "Understood as a descriptive generalization about language rather than a prescriptive rule of construction, the maxim usefully describes a common syntactical implication. 'My children are Jonathan, Rebecca and Seth' means 'none of my children are Samuel.' Sometimes there is no negative pregnant: 'get milk, bread, peanut butter and eggs at the grocery' probably does not mean 'do not get ice cream.'" (*Longview Fibre Co. v. Rasmussen* (9th Cir. 1992) 980 F.2d 1307, 1312-1313.)

entry into the court's records." (Code Civ. Proc., § 1010.6, subd. (a)(1).) Petitioners commenced that "activity of filing" within the statutory period. The statute itself thus distinguishes the *act* of transmitting, which Petitioners completed in time, from the court's subsequent acceptance, which the malfunction delayed. Under the Department's theory, litigants forced to use mandatory electronic filing systems would bear absolute responsibility for technological failures entirely outside of their control, even where "electronic filing" indisputably began before the deadline expired.

Tellingly, the Los Angeles Superior Court is not an outlier in adopting Local Rule 3.4(g). Petitioners are aware of *at least* six other California Superior Courts with a nearly identical rule. (See Marin Cnty. Super. Ct. Local Rules, rule 1.51(B)(9)-(10); Riverside Cnty. Super. Ct., General Order, No. 2022-1, section 7(a)(ii); Alameda Cnty. Super. Ct., E-filing Technical Requirement, No. 15; S.F. Cnty. Super. Ct. Local Rules, rule 2.11(N)-(O); S.D. Cnty. Super. Ct., CIV-409 Electronic Filing Requirements (Civil); Ventura Cnty. Super. Ct., Admin. Order 25.03). It is unlikely that seven courts, including two of the State's largest, would each adopt a preempted local rule. Instructive too is that at least one court's analogous rule *expressly excludes* initial pleadings. (San Bernardino Cnty. Super. Ct., Local Rules, rule 1850.) That a court found it necessary to state the exclusion expressly shows both that a court *can* exclude initial pleadings when it intends to, and that the exclusion is not presumed. Otherwise, the provision would be superfluous. The Department, for its part, cites no authority holding that rule 2.259(c) preempts a local provision like Local Rule 3.4(g) or otherwise categorically bars relief for initial pleadings affected by non-fault EFSP transmission failures.

## III. CEQA DOES NOT FORECLOSE RELIEF UNDER LOCAL RULE 3.4(G)

Contrary to the Conservancy's premise (Conservancy Oppn, p. 4), Petitioners do not concede that they filed after CEQA's limitations period expired. They contend that, but for the malfunction of the e-filing service the Court's rules require them to use, their timely attempt would have succeeded before the deadline. Petitioners ask the Court to exercise its authority under Local Rule 3.4(g) to deem the Petition filed March 9, 2026, the date of their thwarted filing attempt.

The Conservancy's authority does not reach this situation. (Conservancy Oppn., pp. 5-7.) Each case it cites involves what amounts to an excusable-neglect argument seeking relief from a CEQA deadline missed through a party's own inaction. The Conservancy's lead case, *Alliance for Protection of*

*Auburn Community Environment v. County of Placer* (2013) 215 Cal.App.4th 25, involved a petition filed after the CEQA limitations period where the petitioner sought relief under Code of Civil Procedure section 473 after an *attorney service* failed to file the petition on time. (*Id.* at pp. 28-29, 32-34.) It did not involve the malfunction of a court-mandated e-filing system that directly defeated a timely attempted filing. Nor did it involve a local rule authorizing the court to conform a filing date to the attempted transmission date. Neither do the Conservancy's other cited cases.

The Conservancy's reliance on *Anwar v. Johnson* (9th Cir. 2013) 720 F.3d 1183 is misplaced for four independent reasons. First, the Ninth Circuit found that the late filing was "[d]ue to technical problems with counsel's computer[.]" (*Id.* at p. 1185.) That is the opposite of the circumstance Local Rule 3.4(g) addresses, which is a failure of the mandatory transmission system itself, not the transmitter's own hardware. The Conservancy's brief recharacterizes *Anwar* as an "electronic filing system" failure (Conservancy Oppn., p. 9), but *Anwar*'s own recitation of facts forecloses that reading. Second, and more fundamentally, *Anwar*'s holding rested entirely on a federal rule that has no analogue in CEQA. *Anwar* turned on the interaction of two Federal Rules of Bankruptcy Procedure: FRBP 4007(c), which permits extension of the 60-day deadline only by motion filed *before* the deadline, and FRBP 9006(b)(3), which provides that courts may extend that deadline "only to the extent and under the conditions stated in" FRBP 4007(c) itself. (*Anwar*, *supra*, 720 F.3d at pp. 1187-1188.) The court was explicit that this express limitation is what stripped it of power. The local rule's excusable-neglect provision could not apply "[b]ecause the federal bankruptcy rules do not permit an 'excusable neglect' exception to FRBP 4007(c)'s filing deadline[.]" (*Id.* at p. 1189.) Strip away FRBP 9006(b)(3), and *Anwar*'s rationale has nothing left to stand on. Third, *Anwar* refused a different remedy than the one Petitioners seek. *Anwar* declined to grant a *retroactive extension of the limitations period*. (*Id.* at p. 1186.) Petitioners do not ask the Court to extend any period. They ask the Court to recognize the date on which they actually attempted to transmit the Petition through the system the Court compelled them to use. *Anwar* never confronted a rule like Local Rule 3.4(g) that authorizes precisely that relief. Finally, *Anwar* is a federal bankruptcy decision construing the Federal Rules of Bankruptcy Procedure. It binds no California state court interpreting CEQA and the Los Angeles local rules. At most, it is persuasive on facts it did not address.

Local Rule 3.4(g) neither enlarges nor contracts CEQA's statutory framework. It does not prohibit what CEQA commands or command what CEQA prohibits. (See *Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 899, 902.) It does no more than permit the Court to address a transmission failure in a mandatory e-filing system. Because it is consistent with CEQA's mandate for expedited adjudication and does not displace any CEQA-specific procedure, it properly governs here.

## IV. THE CONSERVANCY OVERSTATES THE AUTOMATIC EFFECT OF THE 35-DAY PERIOD

The Conservancy apparently assumes that any purported "Notice of Exemption" automatically triggers CEQA's 35-day limitations period. (Conservancy Oppn., p. 8.) That overstates the law. Petitioners do not dispute that CEQA limitations periods are short and strictly enforced when a facially valid notice has been properly filed. But the authorities recognize that the shortened limitations period are triggered by a legally effective notice, not just any document simply designated an NOE.

The rule is strict, but it is not blind. Courts have held that the shortened limitations period is triggered only by a notice tied to an approval or exemption determination.[2] For instance, in *Coalition for an Equitable Westlake/MacArthur Park v. City of Los Angeles* (2020) 47 Cal.App.5th 368, 379-380 the court held that a facially valid notice of determination ("NOD") triggered CEQA's limitations period. On the other hand, the court recognized that a notice does *not* trigger the shortened limitations period if it is facially invalid or filed before the relevant project approval. (*Ibid.*) Likewise, in *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 962, the court held that an NOE filed before project approval was ineffective to trigger the 35-day period.[3] More recently, in *Center for Biological Diversity v. County of San Benito* (2024) 104 Cal.App.5th 22, 38-40, the court held that an NOD did not trigger CEQA's limitations period where the underlying approval was not yet final.

The Conservancy's suggestion that the deadline expired on March 4, 2026, based on the January 28, 2026 NOE, is thus merely a distraction. (Conservancy Oppn., pp. 8-9.) The Conservancy has not

[2] Although some of the cases that follow involved a notice of *determination* rather than notice of *exemption*, they are relevant because they address the same CEQA limitations principle—i.e., that the shortened CEQA limitations period is triggered *only* by a legally effective notice tied to an operative approval or exemption determination.

[3] Later cases have declined to extend *Amador* beyond the pre-approval notice context, but they have not rejected the proposition for which Petitioners cite it here, that a notice filed before the operative project approval may fail to trigger the shortened limitations period. (See *Coal. for an Equitable Westlake*, *supra*, 47 Cal.App.5th at pp. 379-382.)

proven that the January 28 NOE was a legally effective notice capable of triggering the CEQA limitations period—particularly where the RMP was not issued until January 30, 2026, and a second NOE was filed on February 2, 2026. But the Court need not resolve that issue here. Even assuming the ordinary NOE/35-day framework applies to a SERP notice under Public Resources Code section 21080.56, subdivision (g),[4] and assuming a valid NOE triggered the limitations period in the first place, the operative notice for evaluating the timeliness of Petitioners' claims would be the February 2 NOE filed after approval, making March 9 the deadline.

Nor does *Stockton Citizens for Sensible Planning v. City of Stockton* (2010) 48 Cal.4th 481 compel a different result. The *Stockton* Court held that alleged misuse of exemption authority does not prevent a facially valid and properly filed NOE from triggering the 35-day period. (*Id.* at pp. 500-501, 507, 515.) But it did not hold that every NOE is necessarily effective, that a premature notice triggers the limitations period, or that courts must disregard whether the statutory prerequisites for the noticed exemption were satisfied. As *Center for Biological Diversity* recognized, *Stockton* is not authority for such propositions it did not decide. (104 Cal.App.5th at p. 40.)

Accordingly, the Conservancy's authorities highlight only the unremarkable rule that a properly filed, legally effective notice tied to the operative approval or exemption determination triggers CEQA's shortened limitations period. They do not establish that the January 28 NOE automatically created a March 4 deadline. Nor do they foreclose Petitioners from challenging whether the February 2 NOE was the operative notice for limitations purposes.

## V. THE FEBRUARY 2 NOE DID NOT VALIDLY TRIGGER THE 35-DAY PERIOD

Petitioners separately dispute that the February 2, 2026, NOE was facially valid and legally effective to trigger Public Resources Code section 21167, subdivision (d). The SERP statute does not authorize an exemption based on concurrence by the Director's *designee*. It expressly requires the lead agency to "obtain the concurrence of the *Director* of Fish and Wildlife," and provides that "[t]he

[4] It does not. Because section 21080.56, subdivision (g) is not contemplated by either Code of Regulations, title 14, section 15112, subdivision (c)(2), or Public Resources Code section 21167, subdivision (d), a SERP notice, which the January 28 NOE is, is governed by Code of Regulations section 15112, title 14, subdivision (c)(5)(A), which provides 180 days from a "public agency's decision to carry out or approve the project" to file a challenge "[w]here none of the other statute of limitations periods in this section apply …."

*director* shall document the director's concurrence using substantial evidence and best available science." (Pub. Resources Code, § 21080.56, subd. (e), italics added.) Here, the SERP notice materials rely on a "Director's designee," not the Director. (First Am. Compl., Ex. F [February 2, 2026 NOE].)

That defect is not a merits challenge to Department's reasoning; it goes to whether the statutory act necessary to invoke the SERP exemption occurred at all. This argument is therefore narrower than, and not foreclosed by, *Stockton*, which addressed misuse of a concededly available exemption rather than the absence of a statutory prerequisite. (*Ctr. for Biological Diversity*, *supra*, 104 Cal.App.5th at p. 40.) If the NOE materials disclose on their face that the required Director concurrence was absent, the notice was not legally effective to trigger the 35-day period. At minimum, neither the Department nor the Conservancy has established that the February 2 NOE was an undisputed, legally effective limitations trigger.

## VI. THE EVIDENCE SHOWS A TRANSMISSION MALFUNCTION, NOT NEGLECT

Petitioners' motion, supporting declarations, and the One Legal records establish that filing was attempted before the deadline, that the session terminated unexpectedly, and that Petitioners were forced to restart, satisfying Local Rule 3.4(g). That evidence carries Petitioners' burden, by a preponderance, that an EFSP transmission malfunction directly caused the late receipt. (See *Lillian F. v. Superior Court* (1984) 160 Cal.App.3d 314, 320 [discussing the burdens of proof under Evid. Code, § 115].) One Legal's system records independently corroborate the timing and sequence of the attempted filing. (Cheuvront Decl., Exhibit E.) The Department and Conservancy offer only speculation and hindsight criticism, not evidence, that the failed transmission was Petitioners' fault, which is insufficient to rebut Petitioners' showing.

For instance, the Conservancy contends that the failure was self-inflicted because Petitioners uploaded voluminous exhibits and did not begin uploading until late in the evening. (Conservancy Oppn., pp. 8-9.) Local Rule 3.4(g) requires that the transmission error "not [be] the fault of the transmitter," and the record does not support a finding of fault. There is no file-size limit in the mandatory system, and had file size been the cause, the system should have returned an error message rather than silently terminating the session. (Cheuvront Decl., ¶¶ 20-22.) That Petitioners later attempted to strip exhibits in a last effort to salvage the filing does not prove that the system functioned properly

during the original attempted transmission; it shows Petitioners' diligence in trying every available means to complete the filing. (*Id.*, ¶ 13.)

## VII. DILIGENCE IS NOT THE LEGAL STANDARD

The Department's and the Conservancy's lack-of-diligence argument uses the wrong measuring point. The question is not whether Petitioners could have filed earlier in the day. (CDFW Oppn., pp. 7-8; Conservancy Oppn., pp. 8-9.) It is whether Petitioners tried to file before the deadline and completion was prevented by a transmission malfunction not of their making. California law gave Petitioners until midnight on March 9, 2026, and they commenced filing within that period. Neither the Department nor the Conservancy cite any authority holding that a litigant forfeits e-filing relief by using the full filing period the law allows. Reading such a forfeiture into Local Rule 3.4(g) would produce arbitrary results. Indeed, under the Department's and Conservancy's theory, a party prepared to file on the morning of March 8 would have no recourse if the mandatory system were down that day. That is not the law.

## VIII. THE DEPARTMENT'S EVIDENTIARY OBJECTIONS DO NOT DEFEAT THE MOTION

As explained in their responses to the Department's evidentiary objections filed simultaneously herewith, Petitioners believe all, or at least some, of those objections should be overruled. Many, if not all of the Department's objections go to weight, not admissibility. Yet even if all the objections were sustained, what Ms. Villegas has attested to from her personal knowledge of what she did and observed during the filing session, in her initial declaration alone, is an adequate showing that the preponderance of the evidence supports Petitioners' account. Her supplemental declaration filed herewith, (Villegas Suppl. Decl.), and One Legal's records independently corroborating Ms. Villegas's description of the filing's timing and sequence only bolster that conclusion. (Cheuvront Decl., Ex. E.) This is particularly so given that neither the Department nor the Conservancy provides any evidence to rebut Petitioners' account. That is to say, the core facts remain unrebutted, even setting aside the objected-to statements: Petitioners began the filing process before midnight, the session terminated without warning, Petitioners immediately restarted, and the Petition was received minutes after the deadline.

## IX. DISMISSAL WOULD ELEVATE FORM OVER SUBSTANCE

California courts strongly favor resolution on the merits, and doubts are resolved in favor of the party seeking relief. (See, e.g., *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 980, 982 ["[T]here is a

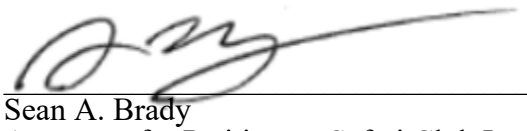
strong public policy in favor of granting relief and allowing the requesting party his or her day in court"; *Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233 ["[B]ecause the law strongly favors trial and disposition on the merits, any doubts in applying section 473 must be resolved in favor of the party seeking relief from default."]; *Shamblin v. Brattain* (1988) 44 Cal.3d 474, 478 ["It is the policy of the law to favor, whenever possible, a hearing on the merits."].) Petitioners should not forfeit substantive rights because of a malfunction in a court-mandated platform beyond their control. Neither the Department nor the Conservancy identifies any prejudice from the minimal delay. Dismissing a public-interest CEQA challenge based solely on a system-generated filing failure would elevate form over substance and undermine confidence in the mandatory e-filing system the Court requires litigants to use. (See Civ. Code, § 3528 ["The law respects form less than substance."].)

## CONCLUSION

Petitioners request that the Court conform the filing date of the Petition to March 9, 2026. In the alternative, Petitioners request that the Court declare the Petition timely because the February 2, 2026, NOE was not facially valid or legally effective to trigger the 35-day limitations period, and grant any relief the Court deems proper to permit adjudication on the merits.

Dated: June 4, 2026

**MICHEL & ASSOCIATES, P.C.**



Sean A. Brady
Attorneys for Petitioners Safari Club International; California Rifle & Pistol Association, Incorporated; California Bowmen Hunters and State Archery Association; HOWL for Wildlife, Inc.; California Deer Association; and Coalition to Save Catalina Island Deer

**PROOF OF SERVICE**

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Laura Fera, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

On June 4, 2026, I served the foregoing document(s) described as

**PETITIONERS' REPLY TO OPPOSITION OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE AND OPPOSITION OF CATALINA ISLAND CONSERVANCY TO MOTION TO CONFORM**

on the interested parties in this action by placing
[ ] the original
[X] a true and correct copy
thereof by the following means, addressed as follows:

Evan Eickmeyer
evan.eickmeyer@doj.ca.gov
Eric Katz
eric.katz@doj.ca.gov
James C. Crowder
james.crowder@doj.ca.gov
Benjamin P. Lempert
benjamin.lempert@doj.ca.gov
Deputy Attorneys General
1300 I Street, Suite 125
Sacramento, CA 95814
*Attorneys for Respondent California Department of Fish and Wildlife*

Edward T. Schexnayder
schexnayder@smwlaw.com
Orran Balagopalan
obalagopalan@smwlaw.com
Emma Lewis
elewis@smwlaw.com
Shute, Mihaly & Weinberger LLP
550 California Street, Suite 1200
San Francisco, CA 94104
*Attorneys for Respondent Catalina Island Conservancy*

☐ (BY MAIL) As follows: I am "readily familiar" with the firm"s practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.

☒ (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission pursuant to CCP 1010.6. Said transmission was reported and completed without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed June 4, 2026, at Long Beach, California.

Laura Fera