

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 836

26STCP00987

June 11, 2026

**SAFARI CLUB INTERNATIONAL, et al. vs CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE CALIFORNIA, et
al.**

1:30 PM

Judge: Honorable Curtis A. Kin
Judicial Assistant: Mysty Mort
Courtroom Assistant: Rosa Monterroso

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Petitioner(s): Sean Anthony Brady via LA CourtConnect; C.D. Michel via LA CourtConnect

For Defendant(s): James Crowder ; Benjamin Lempert via LA CourtConnect; Orran Balagopian;
Edward Terry Schexnayder via LA CourtConnect

NATURE OF PROCEEDINGS: Hearing on Motion for Order Conforming Filing Date to Attempted Transmission Date or Other Appropriate Relief; Status Conference; Hearing on Demurrer - without Motion to Strike by Real Party Catalina; Hearing on Demurrer - without Motion to Strike by Respondents

The matter is called for hearing.

The Court provides the following tentative ruling:

Petitioners' Motion to Conform Filing Date to Attempted Transmission Date is DENIED. Respondents' and Real Party in Interest's Demurrers to the Petition are taken off-calendar.

A. BACKGROUND

On March 10, 2026, 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 initiated this CEQA writ action against respondent California Department of Fish and Wildlife ("Department"), naming the Catalina Island Conservancy ("Conservancy") as the real party in interest. As framed by the petition, petitioners challenge the Department's decision to exempt from CEQA review and approve the Conservancy's project, which includes culling the mule deer on Santa Catalina Island. (Pet. ¶ 1.)

The Department issued two separate Notices of Exemptions on January 28, 2026 and February 2, 2026 (Pet. ¶¶ 23, 46, 48 & Exs. E, F), which, as acknowledged by petitioners, meant petitioners

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 836

26STCP00987

June 11, 2026

**SAFARI CLUB INTERNATIONAL, et al. vs CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE CALIFORNIA, et
al.**

1:30 PM

Judge: Honorable Curtis A. Kin
Judicial Assistant: Mysty Mort
Courtroom Assistant: Rosa Monterroso

CSR: None
ERM: None
Deputy Sheriff: None

had 35 days from the date the Department published the second Notice of Exemption to file their challenge in this Court per 14 CCR 15062(d), namely, on or before March 9, 2026. (Mtn. at 3:28-4:3.)

On March 18, 2026, petitioners filed the instant motion to conform the filing date of their petition to March 9, 2026, the date they attempted transmission of their petition. The Department and the Conservancy separately oppose the instant motion.

On May 15, 2026, the Department and the Conservancy separately filed Demurrers to the petition. In lieu of an opposition, petitioners' lodged an amended petition on May 27, 2026.

B. MOTION TO CONFORM FILING DEADLINE

Petitioners took the position in their motion that they had only until March 9, 2026 to file the underlying petition per 14 CCR § 15062(d) based on the Department's second Notice of Exemption, which was published on February 2, 2026. (Mtn. at 3:28-4:3.) Thus, for purposes of this motion, the Court disregards petitioners' argument raised for the first time in their Reply Brief that the February 2, 2026 Notice of Exemption is not facially valid or legally effective. (See Reply at 8-9.) Also, because no real argument was made in either opposition brief that the actual filing deadline was March 4, 2026 (based on the January 28, 2026 Notice of Exemption), the Court disregards petitioners' contentions in its Reply Brief concerning any March 4, 2026 deadline. (See Reply at 7-8.)

1. Evidentiary Matters

The Conservancy's requests for judicial notice are GRANTED pursuant to Evidence Code § 452(d). The Department's evidentiary objections are OVERRULED in their entirety.

2. Legal Standard

"The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA." (14 CCR § 15062(d).) "While CEQA should be broadly interpreted to protect the environment, CEQA also aims to ensure extremely prompt resolution of lawsuits claiming noncompliance with the act." (Alliance for Protection of Auburn Community Environment v. County of Placer (2013) 215 Cal.App.4th 25, 32-33.) Relief under CCP § 473 is not available for

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 836

26STCP00987

June 11, 2026

**SAFARI CLUB INTERNATIONAL, et al. vs CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE CALIFORNIA, et
al.**

1:30 PM

Judge: Honorable Curtis A. Kin
Judicial Assistant: Mysty Mort
Courtroom Assistant: Rosa Monterroso

CSR: None
ERM: None
Deputy Sheriff: None

a failure to challenge an agency decision within the applicable statute of limitations period unless the legislation expressly provides an extension of the limitations period on a showing of good cause. (See *id.* at 32-34; see also *Kupka v. Board of Administration* (1981) 122 Cal.App.3d 791, 794-95.)

3. Relief is Not Warranted Under Local Rule 3.4(g)

Local Rule 3.4(g) allows for an electronically filed document to be deemed filed on the attempted transmission date under certain circumstances. It states:

Notwithstanding any other provision of this Local Rule, if a digital document is not filed in due course because of (1) an interruption in service; (2) a transmission error that is not the fault of the transmitter; or (3) a processing failure that occurs after receipt, the court may order, either on its own motion or by 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.

In their motion, petitioners rely on the second circumstance—“a transmission error that is not the fault of the transmitter”—as the basis for having the court order the petition deemed filed on the attempted transmission date of March 9, 2026. Petitioners contend they encountered a technical issue with the online filing system that was not of their own creation when trying to complete the filing transmission of their petition. (Mtn. at 4:4-6.) Under the circumstances, the Court finds that the requested relief is not justified.

Petitioners fail to submit sufficient evidence to demonstrate that their digital document was not filed in due course “because of” a “transmission error.” Nor do they demonstrate that any purported error in transmission was “not the fault of the transmitter.”

On this record, it is hard to say the delay in filing with the Court was “because of” any “transmission error” at all. The decision to attempt filing on March 9, 2026, and not earlier, was made by petitioners’ counsel. (Brady Decl. ¶ 4.) While unfortunate, a medical emergency—and not any transmission error—prevented any filing prior to the afternoon of March 9, 2026. (Brady Decl. ¶ 5.) Thereafter, reliance on a Finance Manager, who was “wholly unfamiliar with the nature” of the filing and unavailable for several hours due to a previous commitment, delayed the filing for several hours more, not any transmission error. (Brady Decl. ¶¶ 5-7; Villegas Decl. ¶¶ 1, 5-7.) Due to such things, no attempt to file was even made until 11:18 p.m. on March 9, 2026.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 836

26STCP00987

June 11, 2026

**SAFARI CLUB INTERNATIONAL, et al. vs CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE CALIFORNIA, et
al.**

1:30 PM

Judge: Honorable Curtis A. Kin
Judicial Assistant: Mysty Mort
Courtroom Assistant: Rosa Monterroso

CSR: None
ERM: None
Deputy Sheriff: None

(Villegas Decl. ¶ 8.) Petitioners left themselves with insufficient time to do what was necessary to timely file their petition with the Court, including the entry of case-initiating information into the system and uploading of a petition with multiple exhibits thereto. (Villegas Decl. ¶¶ 8-10; Chevront Decl. ¶¶ 7-13.) None of the foregoing, which led to the filing after midnight on March 10, 2026, are “transmission errors.” It is hard not to conclude that the filing of the petition on March 10, 2026, instead of on March 9, 2026, was not “because of” the aforementioned causes.

Even if, as suggested by petitioners, the Court were to focus solely on what occurred with the electronic filing attempts from 11:18 p.m. onward, the Court cannot find from the evidence before it that any purported transmission error was not the fault of petitioners. There is no evidence to suggest that either OneLegal or the court’s electronic filing system experienced any technical issues at the time. By contrast, there are a number of things for which petitioners would bear responsibility that could have led to the initial failed filing attempt, including improperly formatted exhibits, too large of a file, use of an improper file name, or reliance on an unreliable or unstable internet connection. Petitioners do not meet their burden to demonstrate any problem with transmission was not their fault. Indeed, that the petitioners were ultimately able to successfully file the petition without exhibits on the heels of their unsuccessful attempts suggests that the electronic filing system was working well, but for user error. (See Villegas Decl. ¶¶ 10-11.)

Accordingly, because the Court does not find that the filing of the petition on March 10, 2026 was because of a “transmission error” or that it was not petitioner’s fault, petitioners’ motion to conform the filing date to the attempted transmission date of March 9, 2026 is DENIED.

C. DEMURRERS

In accord with CCP § 472(a), petitioners lodged a Verified First Amended Complaint & Petition for Writ of Mandate on May 27, 2026 in lieu of an opposition to the Department’s and Conservancy’s Demurrers.

The Verified First Amended Complaint and Petition is hereby accepted for filing and the Demurrers are accordingly TAKEN OFF-CALENDAR.

Oral request to continue the motion hearing is denied.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 836

26STCP00987

June 11, 2026

**SAFARI CLUB INTERNATIONAL, et al. vs CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE CALIFORNIA, et
al.**

1:30 PM

Judge: Honorable Curtis A. Kin

CSR: None

Judicial Assistant: Mysty Mort

ERM: None

Courtroom Assistant: Rosa Monterroso

Deputy Sheriff: None

The matter is argued and the tentative ruling becomes the order of the Court.

The Motion re: PETITIONERS' NOTICE OF MOTION AND MOTION TO CONFORM FILING DATE TO ATTEMPTED TRANSMISSION DATE OR OTHER APPROPRIATE RELIEF filed by Coalition to Save Catalina Island Deer, Howl For Wildlife, Inc., California Deer Association, California Rifle & Pistol Association, Incorporated, California Bowmen Hunters/State Archery Association, Safari Club International on 03/18/2026 is Denied.

Status Conference is scheduled for 09/17/2026 at 01:30 PM in Department 836 at Stanley Mosk Courthouse.

Notice is waived.