

approval of the Project. The review essentially requires a reevaluation of the initial study, the taking of public comments and other CEQA requirements and will likely include an EIR. Thus, Petitioners' obtained their litigation objective which was to force the City to comply with CEQA.

The next issue is the reasonableness of the Administrative Record preparation costs. "Whether a particular cost to prepare an administrative record was necessary and reasonable is an issue for the sound discretion of the trial court." (River Valley Pres. Project v. Metro. Transit Dev. Bd. (1995) 37 Cal. App. 4th 154, 181 (citations omitted).) The court finds the costs associated with preparing the Records reasonable and necessary. Therefore, the motion to tax these costs are denied.

The motion to tax the \$40 filing fee for the Motion for Preliminary Injunction is granted. Petitioners did not prevail on the motion for preliminary injunction.

The motion to tax the \$100.28 fee for service of the deposition subpoena on Dean Oliver is granted. Mr. Oliver was never deposed, therefore the cost is not reasonable or necessary.

The motion to tax \$6,357.54 for copying the Administrative Record is denied. The copying costs consist of two copies of the record: one for the court and one for Petitioners. These costs were actually incurred by Petitioners. (Cardiff Dec. ¶6; Ex. 5.) These costs do not appear to be excessive. Therefore, the court finds the costs are reasonable and necessary and deny the motion to tax.

The motion to tax the \$2,991.08 for the City's certification of the Record is denied. The City originally sought to recover these costs from Petitioners via motion, which was granted by the court. The costs were reasonable and necessary to the litigation and actually incurred by Petitioners.

Petitioners are to recover costs in the amount of \$28,264.52, excluding an award of attorneys' fees, if any.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

Central
330 West Broadway
San Diego, CA 92101

SHORT TITLE: TAXPAYERS FOR RESPONSIBLE LAND USE vs CITY OF SAN DIEGO

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:
GIC867378

I certify that I am not a party to this cause. I certify that a true copy of the attached 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 02/07/2008.

Clerk of the Court, by: M. Bonham
M. Bonham, Deputy

CARMEN A BROCK
1200 THIRD AVE STE 1100
SAN DIEGO, CA 92101

TODD T. CARDIFF
169 SAXONY ROAD SUITE 204
ENCINITAS, CA 92024

DENNIS C CROVELLA
4401 EASTGATE MALL
SAN DIEGO, CA 92121-1909

SUZANNE VARCO
225 BROADWAY STE 1900
SAN DIEGO, CA 92101

Additional names and address attached.