



News From Gilchrist & Rutter Mobilehome Park Practice Group

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In This Issue

Gilchrist & Rutter Obtains Writ of Mandate

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The Gilchrist & Rutter
Mobilehome Park Practice Group
consists of the following
attorneys and paralegals:

[Richard H. Close, Esq.](#)
Department Chairman

[Thomas W. Casparian, Esq.](#)
Litigation Director

[Christine A. Page, Esq.](#)

[Duane M. Montgomery, Esq.](#)

[Kevin M. Yopp, Esq.](#)

[Yen N. Nguyen, Esq.](#)

[Gregory B. Mouroux, Esq.](#)

Susy Forbath
Senior Paralegal

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Gilchrist & Rutter Obtains Writ of Mandate

Litigator Thomas Casparian successfully obtained a Writ of Mandate against the City of Goleta striking down the City's requirement of an Environmental Impact Report (EIR) for a 150-unit conversion/subdivision. The City estimated the client's cost of preparing the EIR would be approximately \$220,000 and that it would take 18 months or more to complete. The City refused to hold a hearing on approval of the conversion/subdivision until the EIR was prepared. The EIR would identify mitigating measures that the City would require as a condition of the development.

In *Dan and Susan Guggenheim Trust v. City of Goleta*, Mr. Casparian successfully argued that the City was without authority to impose any mitigating conditions on the subdivision because state law pre-empted local authority in this case. In addition, although the City contended the project could have foreseeable environmental impacts, Mr. Casparian successfully argued that the City had failed to produce substantial evidence to support its claim. In a related case, Mr. Casparian is challenging a moratorium placed on certain developments by the City. A ruling in that case is expected in July 2008.