

Clerk of the Superior Court  
By C. Drakes ,Deputy Clerk

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Attorneys for Plaintiff and Petitioner Citizens for a  
Friendly Airport

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO – CENTRAL DIVISION

CITIZENS FOR A FRIENDLY AIRPORT,  
Plaintiff and Petitioner,  
vs.  
COUNTY OF SAN DIEGO; and DOES 1 through  
100,  
Defendants and Respondents;  
AMERICAN AIRLINES, INC.; and DOES 101  
through 1,000,  
Defendants and Real Parties in  
Interest.

CASE NO. 25CU004719C

**VERIFIED FIRST AMENDED  
COMPLAINT FOR DECLARATORY  
RELIEF AND PETITION FOR WRIT OF  
MANDATE UNDER THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT AND  
OTHER LAWS**

Action Filed: January 27, 2025  
Department: C-71 (Pollack)

Plaintiff and Petitioner CITIZENS FOR A FRIENDLY AIRPORT ("Petitioner") alleges as  
follows:

**Parties**

1. Petitioner is a non-profit organization formed and operating under the laws of the State  
of California. At least one of Petitioner's members resides in or near the County of San Diego,  
California, and has an interest in protecting the region's air quality, minimizing and ameliorating  
airplane noise, ensuring informed and responsible growth, and promoting other environment-related  
quality-of-life issues.

2. Defendant and Respondent COUNTY OF SAN DIEGO (“Respondent”) is a public agency under Section 21063 of the Public Resources Code. Respondent is authorized and required by law to hold public hearings to determine whether the California Environmental Quality Act (“CEQA”) applies to development within its jurisdiction, to determine the adequacy of and certify environmental documents prepared pursuant to CEQA, and to determine whether a project is compatible with the objectives, policies, general land uses, and programs specified in the applicable land-use plans.

3. Petitioner is informed and believes and on that basis alleges that Defendants and Real Parties in Interest AMERICAN AIRLINES, INC. (“RPI”), is the applicant for the proposed project (which includes the related contract to which Respondent and RPI are parties) that is the subject of this lawsuit.

4. The true names and capacities of the Defendants/Respondents identified as DOES 1 through 100 and Defendants/Real Parties in Interest identified as DOES 101 through 1,000 are unknown to Petitioner, who will seek the Court's permission to amend this pleading in order to allege the true name and capacities as soon as they are ascertained. Petitioner is informed and believes and on that basis alleges that each of the fictitiously named Defendants/Respondents 1 through 100 has jurisdiction by law over one or more aspects of the proposed project that is the subject of this lawsuit and that each of the fictitiously named Defendants/Real Parties in Interest 101 through 1,000 either claims an ownership interest in the proposed project or has some other cognizable interest in the proposed project.

## Background Information

5. On or about January 8, 2025, Respondent's board of supervisors took certain action as set forth in Minute Order no. 4 (the "Project").

6. Petitioner opposes the Project (including all entitlements and other aspects thereof) and challenges certain actions taken by Respondent. In particular, Petitioner seeks to invalidate the Project's approval on the grounds, among others, that Respondent has violated CEQA, the Planning and Zoning Law ("PZL"), and/or other laws; and/or has also violated the judgment previously entered in and/or acted contrary to Respondent's representations made in San Diego County Superior Court case no. 37-2018-00057624-CU-TT-CTL.

1                                   **Notice Requirements and Time Limitations**

2           7.       This lawsuit was commenced not more than 30 days after the notice authorized by Public  
3 Resources Code Section 21152(a) was filed (if such a notice was filed).

4           8.       Petitioner has caused a Notice of Commencement of Action to be served on Respondent,  
5 as required by Public Resources Code Section 21167.5. A true and correct copy of the Notice of  
6 Commencement of Action is attached to this pleading as Exhibit “A.”

7           9.       Petitioner will have caused a copy of this pleading to be served on the Attorney General  
8 not more than 10 days after its filing, as required by Public Resources Code Section 21167.7 and Code  
9 of Civil Procedure Section 388.

10                               **Jurisdiction and Exhaustion of Administrative Remedies**

11          10.       Petitioner seeks review by and relief from this Court under Public Resources Code  
12 Section 21168 or 21168.5, as applicable; Government Code Section 65000 *et seq.*; and Code of Civil  
13 Procedure Sections 526a, 1060 *et seq.*, and 1084 *et seq.*, among other provisions of law.

14          11.       Petitioner exhausted administrative remedies to the extent required by law; by way of  
15 example and without limitation, at least one of Petitioner’s members expressed opposition to the  
16 Project. Additionally and/or alternatively, Petitioner was not required to exhaust its administrative  
17 remedies under the circumstances presented by the Project.

18          12.       Respondent’s conduct in approving the Project without complying with CEQA and other  
19 applicable laws constitutes a prejudicial abuse of discretion because, as alleged in this pleading, it failed  
20 to proceed in the manner required by law and made findings not supported by substantial evidence.

21          13.       Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law, since  
22 its members and other members of the public will suffer irreparable harm as a result of Respondent’s  
23 violations of CEQA and other laws. Respondent’s approval of the Project also rests on its failure to  
24 satisfy a clear, present, ministerial duty to act in accordance with those laws. Even when Respondent  
25 is permitted or required by law to exercise its discretion in approving projects under those laws, it  
26 remains under a clear, present, ministerial duty to exercise its discretion within the limits of and in a  
27 manner consistent with those laws. Respondent has had and continues to have the capacity and ability  
28 to approve the Project within the time limits of and in a manner consistent with those laws, but

Respondent has failed and refuses to do so and has exercised its discretion beyond the limits of and in a manner that is not consistent with those laws.

14. Petitioner has a beneficial right and interest in Respondent's fulfillment of all its legal duties, as alleged in this pleading.

**FIRST CAUSE OF ACTION:**  
**Illegal Approval of Project**  
**(Against All Respondents and Real Parties in Interest)**

15. Paragraphs 1 through 14 are fully incorporated into this paragraph.

16. Petitioner is informed and believes and on that basis alleges that the Project does not comply with all applicable laws.<sup>1</sup> By way of example and without limitation (including alternative theories of liability):

A. The Project violates CEQA. For example:

i. Whenever a project proposed to be carried out or approved by a lead agency has the potential to cause an adverse environmental impact, CEQA prohibits the agency from relying on a negative declaration. Instead, CEQA requires the preparation of an environmental impact report to identify and analyze the significant adverse environmental impacts of a proposed project, giving due consideration to both short-term and long-term impacts, providing decision-makers with enough information to enable them to make an informed decision with full knowledge of the likely consequences of their actions, and providing members of the public with enough information to participate meaningfully in the project's approval and environmental-review process. CEQA also requires every environmental impact report to identify and analyze a reasonable range of alternatives to a proposed project. CEQA further requires every environmental impact report to identify and analyze all reasonable mitigation measures for a proposed project's significant adverse environmental impacts. An environmental impact report must be prepared for a proposed project if there is a fair argument, supported by substantial evidence in the administrative record, that the project may have an adverse environmental impact; stated another way, a negative declaration may not be used unless the lead

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<sup>1</sup> Despite Petitioner's request for the complete contents of the administrative record under the California Public Records Act ("CPRA") when this lawsuit was initiated, Respondent still has not produced all contents of the record. Petitioner's allegations in this pleading, though legally sufficient, are based on the limited information available to Petitioner in light of Respondent's failure to fulfill its obligations under the CPRA.

1 agency determines with certainty that there is no potential for the project to have an adverse  
2 environmental impact.

3 ii. The Project's significant direct, indirect, or cumulative adverse impacts  
4 on the environment give rise to Respondent's legal obligation to prepare an environmental impact report  
5 specifically for the Project.

6 iii. Respondent failed to prepare an environmental impact report specifically  
7 for the Project, and that failure is a violation of CEQA.

8 iv. As a result of Respondent's violation of CEQA, Petitioner has been  
9 harmed insofar as Petitioner, its members, other members of the public, and the responsible decision-  
10 makers were not fully informed about the potential adverse environmental impacts of the this Project,  
11 and insofar as Petitioner, its members, and other members of the public did not have an opportunity to  
12 participate meaningfully in the analysis of such impacts prior to approval of the Project.

13 B. The Project violates the PZL. For example:

14 i. Respondent did not comply with the controlling conditional use permit,  
15 CUP-172, issued by the City of Carlsbad, prior to approving the Project.

16 ii. Prior to and in connection with issuance of CUP-172, Respondent stated  
17 that the facility commonly known today as the McClellan-Palomar Airport had been designated as a  
18 General Aviation Airport and will remain so; and acknowledged that this designation precludes  
19 commercial scheduled airlines from using the facility.

20 iii. In or around 1984, the City of Carlsbad's city council resolved that the  
21 McClellan-Palomar Airport continue to be designated as a General Aviation facility.

22 iv. In or around 2004, the City of Carlsbad explained that the designation  
23 refers to all types of aircraft other than certified air carriers and military aircraft.

24 v. In 2012, the Federal Aviation Administration ("FAA") defined "general  
25 aviation" as all non-scheduled flights other than military conducted by non-commercial aircraft,  
26 covering local recreational flying to business transport that is not operating under FAA regulations for  
27 commercial air carriers.  
28



1 D. Any and all other relief that may be authorized by CEQA, the PZL, or other applicable  
2 laws, or any combination of them, but is not explicitly or specifically requested elsewhere in this Prayer;

3 E. Any and all legal fees and other expenses incurred by Petitioner in connection with this  
4 lawsuit, including but not limited to reasonable attorney fees as authorized by the Code of Civil  
5 Procedure; and

6 F. Any and all further relief that this Court may deem appropriate.

7 Date: December 2, 2025. Respectfully submitted,

8 BRIGGS LAW CORPORATION

9 

10 By: Cory J. Briggs

11 Attorneys for Plaintiff and Petitioner Citizens for a  
12 Friendly Airport

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**FIRST AMENDED  
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND PETITION  
FOR WRIT OF MANDATE UNDER THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT AND OTHER LAWS**

Exhibit "A"



## Cory Briggs

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**From:** Microsoft Outlook  
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@briggslawcorp.com>  
**To:** 'Andrew.Potter@sdcounty.ca.gov'  
**Sent:** Friday, January 24, 2025 2:33 PM  
**Subject:** Relayed: Notice of Commencement of Action (Corrected0

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[Andrew.Potter@sdcounty.ca.gov](mailto:Andrew.Potter@sdcounty.ca.gov) (Andrew.Potter@sdcounty.ca.gov)

Subject: Notice of Commencement of Action (Corrected0



Notice of  
Commencemen...



99 East "C" Street, Suite 203  
Upland, CA 91786  
T: 909-949-7115  
F: 909-949-7121

BLC File(s): 1977.03

24 January 2025

Andrew Potter, Board Clerk  
San Diego County Board of Supervisors  
1600 Pacific Highway, Room 402  
San Diego, CA 92101

Via E-mail to [Andrew.Potter@sdcounty.ca.gov](mailto:Andrew.Potter@sdcounty.ca.gov)

Re: Notice of Commencement of Action

Dear Board Clerk:

I represent Citizens for a Friendly Airport and am sending this Notice of Commencement of Action on my client's behalf.

Please be advised that an action is to be commenced by my client in San Diego County Superior Court against your agency. The action will challenge your agency's approval of the project that was the subject of Item 4 on the January 8, 2025 agenda of the Board of Supervisors (APPROVAL OF LEASE WITH AMERICAN AIRLINES, REPEAL, WAIVER, OR AMENDMENT OF BOARD POLICY F-44, AND RELATED CEQA FINDINGS), on the grounds that the approval violated the California Environmental Quality Act (PUB. RES. CODE § 21000 *et seq.*). The action may also challenge your agency's approval of the project based on one or more violations of other laws.

If you have any questions, please feel free to contact me.

Sincerely,

BRIGGS LAW CORPORATION

A handwritten signature in black ink that reads 'Cory J. Briggs'.

Cory J. Briggs



## VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Diego

I have read the foregoing FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF AND PETITION FOR WRIT OF MANDATE etc. and know its contents.

☒ **CHECK APPLICABLE PARAGRAPH**

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☐ an Officer ☐ a partner ☒ a member of Citizens for a Friendly Airport,

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☒ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for \_\_\_\_\_ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on December 2, 20 25, at Carlsbad, California.  
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Victoria Syage  
Type or Print Name

Victoria Syage  
Signature

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of \_\_\_\_\_, State of California.  
I am over the age of 18 and not a party to the within action; my business address is, \_\_\_\_\_

On \_\_\_\_\_, 20 \_\_\_\_\_, I served the foregoing document described as \_\_\_\_\_

☐ \_\_\_\_\_ on \_\_\_\_\_ in this action  
by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:  
☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

☐ **BY MAIL**  
☐ \* I deposited such envelope in the mail at \_\_\_\_\_, California.  
The envelope was mailed with postage thereon fully prepaid.  
☐ As follows I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing.  
Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at \_\_\_\_\_ 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 or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_, California.  
☐ \*(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_, California.  
☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I  
☐ (Federal) declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature

\* (By MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)

\*\*(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

## PROOF OF SERVICE

1. My name is Ruth Flores. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My ☒ business residence address is Briggs Law Corporation, 99 East "C" Street, Suite 203, Upland, CA 91786.

3. On December 3, 2025, I served an original copy ☒ a true and correct copy of the following documents: VERIFIED FIRST AMENDED COMPLAINT FOR DECLARATORY RELIEF AND PETITION FOR WRIT OF MANDATE UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND OTHER LAWS

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of Upland, California.

by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

☒ by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

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

Date: December 3, 2025

Signature: Ruth Flores

## SERVICE LIST

*Citizens for a Friendly Airport v. County of San Diego,*  
San Diego County Superior Court case no. 25CU004719C

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