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FILED

JAN 19 2024

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Attorneys for Real Party In Interest Joel Geck-Moeller

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF HUMBOLDT**

11 JOHN P. WILSON, an individual, and
12 CYNDY DAY-WILSON, an individual

13 Petitioners,

14 vs.

15 COUNTY OF HUMBOLDT, a political
16 subdivision of the State of California,
17 MARIO KALSON, Director, Division of
18 Environmental Health and Human Services,
19 and DOES 1 through 10, inclusive

Respondents

20 JOEL GECK-MOELLER, an individual, and
21 ROES 1 through 10 inclusive

Real Party In Interest

Case No.: CV2300981

**~~[PROPOSED]~~ JUDGMENT ON
VERIFIED PETITION FOR WRIT OF
MANDATE AND DEMAND FOR
ATTORNEYS' FEES PURSUANT TO
CCP SECTION 1021.5**

[CCP §1085; CRC Rule 3.1590 (f); (l)]

23
24 The above-entitled matter came on regularly for trial before the undersigned on
25 July 26, 2023, attorney Kaitlyn Wilson appearing for Petitioners John Wilson and Cyndy
26 Day-Wilson, attorneys Thomas Chapin and Destinee Valeska appearing for Respondents
27 County of Humboldt (the "County") and Mario Kalson, and attorney Jeffrey Slack
28

1 appearing on behalf of Real Party in Interest Joel Geck-Moeller. The Court was presented
2 with oral and documentary evidence, and the matter was argued by counsel and submitted
3 for consideration by the Court.

4 Respondent County requested a Statement of Decision on the matters submitted.
5 The Court issued its Tentative Ruling, Proposed Statement of Decision, and Order on
6 October 18, 2023. Under California Rules of Court Rule 3.1590 (f), if a proposed
7 judgment is not served within 30 days of announcement or service of a tentative decision,
8 then any party who appeared at the trial may, within 10 days after the deadline, prepare,
9 serve, and submit to the court a proposed statement of decision and judgment. Pursuant to
10 California Rule of Court 3.1590 (l), "if a written judgment is required, the Court must
11 sign and file the judgment within 50 days after the announcement or service of the
12 tentative decision." Accordingly, this proposed judgment is being prepared, served, and
13 submitted to the Court for signing and filing by Real Party in Interest Joel Geck-Moeller.

14 The Court hereby adopts its Tentative Ruling, Proposed Statement of Decision,
15 and Order, which found the following:

16 1. The plain language of Health & Safety Code §115700 does not impose a clear,
17 present, mandatory and ministerial obligation on the County to close abandoned or
18 permanently inactive wells.

19 2. Pursuant to Humboldt County Code §631-1, the County has discretion in
20 deciding whether to issue permits to develop land on which an abandoned well is present,
21 and therefore the County does not have a clear, present, and ministerial duty to destroy
22 abandoned or permanently inactive wells and does not have a mandatory duty to
23 condition the granting of a development permit on the destruction of an abandoned well.

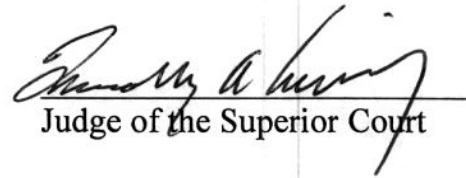
24 3. Pursuant to Humboldt County Code §631-18 and California Department of
25 Water Resources' Well Standards, Combined, Part I §3, the County has discretion in
26 determining what action to take with respect to a landowner maintaining an abandoned
27 well on their property, including whether to permit the use of an abandoned or inactive
28

1 well so long as the alternative requirements prescribed by the County are "equal to" the
2 standards for protection of the environment and human health prescribed by the
3 California Department of Water Resources' Well Standards.

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

- 5 1. The Petition for Writ of Mandate is denied;
- 6 2. Petitioner's request for attorney's fees is denied; and
- 7 3. The temporary injunction enjoining the hearing of the Geck-Moeller project
8 application is dissolved, and any stay on those proceedings is lifted.

9
10 Dated: 1/19/2024

11 
12 Judge of the Superior Court

1 **PROOF OF SERVICE**

2 I am a citizen of the United States and a resident of the County of Humboldt, over the age
3 of eighteen years and not a party to or interested in the within entitled cause. My business
4 address is 730 Fifth Street, Eureka, California, 95501.

5 On January 16, 2024, I served the following documents:

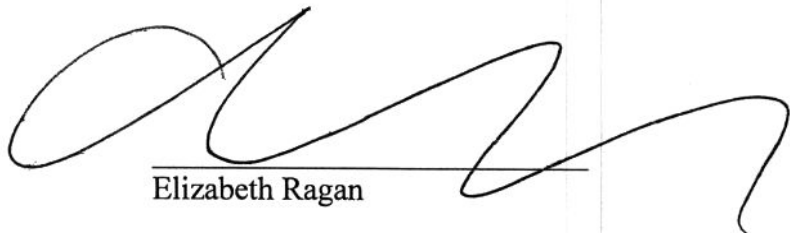
6 **[PROPOSED] JUDGMENT ON VERIFIED PETITION FOR WRIT OF**
7 **MANDATE AND DEMAND FOR ATTORNEYS' FEES PURSUANT TO**
8 **CCP SECTION 1021.5**

9 [X] [BY MAIL] By placing a true copy thereof enclosed in a sealed envelope, addressed as
10 shown below and placing the envelope for collection and mailing on the date and at the
11 place shown below, following our ordinary business practices. I am readily familiar with
12 this business' practice for collecting and processing correspondence for mailing. On the
13 same day that correspondence is placed for collection and mailing, it is deposited in the
ordinary course of business with the United States Postal Service in a sealed envelope
with postage fully prepaid.

14 Thomas Chapin
15 Destinee Valeska
16 Deputy County Counsel
17 County of Humboldt
18 825 Fifth Street
19 Eureka, CA 95501
20 Email: tchapin@co.humboldt.ca.us
dvalueska@co.humboldt.ca.us
21 *Attorneys for Respondents*
County of Humboldt & Mario Kalson

Kaitlyn M. Wilson, Esq.
PO Box 383
Loleta, CA 95501
Attorney for Petitioners
John P. Wilson & Cyndy Day-Wilson

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct, and that this declaration was executed on January 16, 2024 at
24 Eureka, California.

25
26 
27
28 Elizabeth Ragan

RECEIVED

JAN 16 2024

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT**