

Urban Wildlands Group v. City of Los Angeles
(April 13, 2017) __ Cal.App.5th __

The Urban Wildlands Group (Urban Wildlands) filed a petition for writ of mandate and complaint for declaratory and injunctive relief. The mandate petition and complaint challenged the City's finding that a project approving the use of LED replacement streetlights was exempt from CEQA. Both parties briefed the merits. Urban Wildlands chose to prepare and lodge the administrative record. The City also submitted excerpts from the administrative record. However, Urban Wildlands never lodged the administrative record.

The trial court found in the City's favor and entered judgment. Urban Wildlands then filed a motion under Code of Civil Procedures Section 473 (b) asserting both discretionary and mandatory relief should be granted. Urban Wildlands relied on its attorney's sworn affidavit in which he admitted to his neglect in failing to lodge the administrative record. The trial court denied discretionary relief. However, the trial court granted mandatory relief under Section 473(b).

The Court of Appeal reversed. The Court agreed with the City's contentions that the trial court erred by granting the mandatory relief request, and that the mandatory relief provision only applies to a default, a default judgment, or a dismissal. The judgment from which Urban Wildlands seeks relief is not a default, default judgment, or dismissal. Thus, the Section 473(b) mandatory relief provisions do not apply.