| | AFF-002 | | |
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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): | FOR COURT USE ONLY | | |
| RACHEL B. HOOPER (SBN 98569) AMY J. BRICKER (SBN 227073); SARA CLARK (SBN 273600) | | | |
| Shute, Mihaly & Weinberger LLP | | | |
| 396 Hayes Street, San Francisco, CA 94102 | | | |
| TELEPHONE NO.: 415-552-7272 FAX NO. (Optional): 415-552-5816 | | | |
| E-MAIL ADDRESS (Optional): hooper@smwlaw.com ATTORNEY FOR (Name): Banning Ranch Conservancy | | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange | | | |
| STREET ADDRESS: 751 WEST SANTA ANA BLVD. | | | |
| MAILING ADDRESS: | | | |
| CITY AND ZIP CODE: SANTA ANA, CA 92701 | | | |
| BRANCH NAME: CIVIL COMPLEX CENTER | | | |
| PLAINTIFF/PETITIONER: Banning Ranch Conservancy | | | |
| DEFENDANT/RESPONDENT: City of Newport Beach, et al. | | | |
| | CASE NUMBER: | | |
| NOTICE OF APPEAL CROSS-APPEAL (UNLIMITED CIVIL CASE) | 30-2010 - 00365758 | | |
| Notice: Please read <i>Information on Appeal Procedures for Unlimited Civil Cases</i> (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. | | | |
| 1. NOTICE IS HEREBY GIVEN that (name): Banning Ranch Conservancy | | | |
| appeals from the following judgment or order in this case, which was entered on (date): June 9 | 9, 2011 | | |
| Judgment after jury trial | | | |
| Judgment after court trial | | | |
| Default judgment | | | |
| Judgment after an order granting a summary judgment motion Judgment of dismissal under Code of Civil Procedure sections 581d, 583.250, 583.360, or | 583 430 | | |
| Judgment of dismissal after an order sustaining a demurrer | 000.400 | | |
| An order after judgment under Code of Civil Procedure section 904.1(a)(2) | | | |
| An order or judgment under Code of Civil Procedure section 904.1(a)(3)–(13) | | | |
| Other (describe and specify code section that authorizes this appeal): | | | |
| 2. For cross-appeals only: | | | |
| a. Date notice of appeal was filed in original appeal: | | | |
| b. Date superior court clerk mailed notice of original appeal: | | | |
| c. Court of Appeal case number (if known): | | | |
| | | | |
| Date: August 5 , 2011 | | | |
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| | 1. P A. | | |
| Amy J. Bricker | y pouter | | |
| (TYPE OR PRINT NAME) | SONATURE OF PARTY OR ATTORNEY) | | |

| | CACE NUMBER: |
|--|------------------|
| CASE NAME: | CASE NUMBER: |
| Banning Ranch Conservancy v. City of Newport Beach, et al. | 30-2010-00365758 |
| | |

NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

| PROOF OF SERVICE | | |
|--|--|--|
| ✓ Mail □ Persona | l Service | |
| 1. At the time of service I was at least 18 years of age and not a party to this legal action | on. | |
| My residence or business address is (specify): Shute, Mihaly & Weinberger LLP | * | |
| 396 Hayes Street, San Francisco, CA 94102 | | |
| 3. I mailed or personally delivered a copy of the Notice of Appeal/Cross-Appeal (Unlimite a. Mail. I am a resident of or employed in the county where the mailing occurred | | |
| (1) I enclosed a copy in an envelope and | | |
| (a) deposited the sealed envelope with the United States Postal (b) placed the envelope for collection and mailing on the date and our ordinary business practices. I am readily familiar with this correspondence for mailing. On the same day that correspondence for mailing course of business with the United States postage fully prepaid. | d at the place shown in items below, following business's practice for collecting and processing lence is placed for collection and mailing, it is | |
| (2) The envelope was addressed and mailed as follows:(a) Name of person served: See Attached Service List | | |
| (b) Address on envelope: | | |
| (c) Date of mailing: (d) Place of mailing (city and state): b. Personal delivery. I personally delivered a copy as follows: (1) Name of person served: (2) Address where delivered: | | |
| (3) Date delivered:(4) Time delivered: | | |
| (4) Time delivered. | | |
| I declare under penalty of perjury under the laws of the State of California that the foregoin | g is true and correct. | |
| Date: August 5, 2011 | | |
| Sean P. Mulligan | Lew Mulliyan | |
| (TYPE OR PRINT NAME) | (SIGNATURE OF DECLARANT) | |

| 1 | SERVICE LIST Banning Ranch Conservancy v. City of Newport Beach, et al. | | |
|----------|---|--|--|
| 2 3 | Orange County Case No. 30-20 | 010-00365758 | |
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| 19 | Attorneys for Real Parties in Interest Aera Energy, LLC | | |
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