



Judge's ruling favors city in two Wal-Mart related lawsuits

Plaintiffs target proposed distribution center

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BARSTOW • A superior court judge has sided with Barstow in two cases challenging the construction of the 900,000 square-foot Wal-Mart Distribution Center at the Joshua Tree Courthouse.

Judge John P. Vander Feer denied a petition Sept. 25 filed by Jason R. Hodge, who claimed that the city did not give adequate notice for the final public hearing on the distribution center, after which the Barstow City Council approved the project. Vander Feer also issued a tentative ruling against Build Barstow Smart, an advocacy group that claimed Barstow had violated the California Environmental Quality Act by not providing adequate analysis on the project's effect on greenhouse gasses and the water supply. The judge gave the plaintiffs, and their lawyer, Cory Briggs of the Upland-based Briggs Law Corporation, an unspecified amount of time to argue against his decision, according to a press release issued by the city.

Barstow City Attorney Yvette Abich-Garcia declined to comment about the case and directed city staff not to comment further until the judge issues a final ruling, according to city spokesman John Rader. Briggs also declined to comment pending a final ruling. A written copy of the rulings in either case was unavailable.

The two lawsuits stalled construction on the proposed \$60 million distribution center, according to Rader. The facility will encompass about 140 acres at the Barstow Industrial Park and provide more than 500 jobs, according to estimates. Wal-Mart announced the distribution center's construction in December 2005.

Keli N. Osaki and Jack S. Yeh of the Costa Mesa-based law firm Manatt, Phelps and Phillips represented Wal-Mart on Sept. 25. In a written statement issued Thursday afternoon, Wal-Mart Spokesperson Angela Stoner stated the corporation appreciated the city's and community's support for the distribution center. Hodge couldn't be reached for comment.

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