

Bond Case Briefs

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Atwell v. City of Rohnert Park

Court of Appeal, First District, Division 1, California - September 18, 2018 - Cal.Rptr.3d - 2018 WL 4621745 - 18 Cal. Daily Op. Serv. 9737

Objectors brought declaratory judgment action and petition for writ of mandate against city, challenging city council's approval of expansion of existing store.

The Superior Court denied petition. Objectors appealed.

The Court of Appeal held that:

- Action constituted same cause of action as asserted in prior action, supporting finding that res judicata barred instant action;
- Objectors were in privity with plaintiffs in prior action; and
- Objectors' claims did not simply raise question of law, also supporting finding that res judicata barred instant action.

Objectors' instant action, challenging city council's approval of extension of existing store and seeking declaration of rights under terms of city's general plan, constituted same cause of action as asserted in prior action for alleged violations of state planning and zoning law, supporting finding that res judicata barred instant action, even though city council had adopted new resolutions regarding store expansion project in time between prior action and instant action, where prior action challenged same expansion project as being inconsistent with general plan, instant project also asserted noncompliance with general plan, and project proposal remained unchanged.