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RISE GRASS VALLEY, INC., a Nevada corporation

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF NEVADA**

RISE GRASS VALLEY, INC., a Nevada corporation,

Case No. CU0001386

Petitioner and Real Party in Interest,

**PETITIONER RISE GRASS VALLEY INC.'S
OPPOSITION TO RESPONDENTS'
OBJECTIONS TO PETITIONER'S REPLY
PAPERS**

BOARD OF SUPERVISORS OF THE
COUNTY OF NEVADA, and the COUNTY
OF NEVADA; and DOES 1-50, Inclusive.

Date: January 9, 2026
Time: 10:00 a.m.
Department: 6
Judge: Hon. Robert Tice-Raskin

Respondents.

Action Filed: May 10, 2024

OPPOSITION TO RESPONDENTS' OBJECTIONS TO REPLY PAPERS

Respondents' Objections to Petitioner's Reply Papers should be overruled.¹

In response to Respondents’ argument that vested rights should be “reduce[d]... to conformity” with local zoning laws, Respondents’ Opp’n to Pet’r’s Opening Br., at 19 (Nov. 18, 2025); *see also id.* at 5, 12, Petitioner offered four vested right determinations from other jurisdictions, each of which recognized a vested right to conduct mining activities after a decades-long period of cessation.² These are government acts that are the proper subject of judicial notice. CAL. EVID. CODE § 452 (“Judicial notice may be taken of ... legislative enactments issued by ... any public entity in the United States.”). Petitioner offered these government acts as persuasive legal authorities from parallel decision-makers who confronted factual circumstances that are closely similar to the present case in relevant ways, and they show that the County’s denial of Petitioner’s vested right is an outlier, wholly inconsistent with the law-abiding precedents of other counties. These decisions demonstrate that reducing vested rights to conformity with local zoning laws cannot come at the expense of “safeguards for the interests of those affected” and that “cessation of use alone does not constitute abandonment.” Pet’r’s Reply Br., at 13–14 (Dec. 5, 2025) (quoting *Hansen Bros Enters., Inc. v. Bd. of Supervisors*, 12 Cal.4th 533, 568, 569 (1996)). These decisions show that other county decisionmakers have applied the legal test of *Hansen Brothers* to recognize vested rights to engage in mining activities even when mining activities had ceased for many decades. The Court can and should take judicial notice of the documents because they are authentic government decisions. The Court can give this persuasive authority the weight it believes the decisions deserve.

¹ Respondents also filed an Opposition to Petitioner’s Request for Judicial Notice. Petitioner rests on its Request for Judicial Notice, which properly lays out the standard for taking judicial notice. As described here, Petitioner is not offering these decisions as *factual* evidence but as persuasive legal authorities, and the Court may take judicial notice of them because they are authentic documents memorializing government acts.

² Petitioner also cited one of these decisions on page 3 of the Reply Brief to support that the relevant evidentiary standard here is clear and convincing evidence, in contradiction to the assertion in Respondents' Opposition Brief that a different standard applies. Respondents' Objection does not ask the Court to strike this use of these materials. *See* Respondents' Objections to New Evid. In Pet'r's Reply Papers at 2, lines 13–15 (Dec. 17, 2025) ("Objections") (requesting only that the Court strike material on pages 12 and 13 of the Reply Brief); *see also id.* at 6, lines 12–14 (same).

1 Respondents request that the Court “strike and not consider” the citations Petitioner provided
2 to these persuasive decisions from other jurisdictions, Objections at 2, but Respondents provide no
3 good reason for the Court to do so.

4 Petitioner’s citations are not “new evidence” in reply papers. *See id.* at 2. Indeed, these citations
5 are not evidence at all: they are persuasive legal authorities from parallel decisionmakers, namely
6 county boards of supervisors that are charged with making vested rights determinations in the first
7 instance. Given the paucity of trial court cases about these issues in the mining context, it is appropriate
8 for the Court to consider county-level determinations of vested rights and give those decisions
9 whatever weight it deems appropriate.

10 Nor are Petitioner’s citations “new … argument” on reply. *See id.* at 3. As described, Petitioner
11 offered these authorities directly in response to arguments Respondents made in their Opposition
12 Brief. If these other county-level decisionmakers had adopted Respondents’ view of the legal standard,
13 then the vested right decisions the other counties made would have come out differently—no vested
14 right would have been recognized. But these counties *did* recognize vested rights to conduct mining
15 activities in closely similar circumstances, and so Petitioner provided their decisions to the Court to
16 show that other decisionmakers have declined to adopt the approach that Respondents advocate.

17 Petitioner’s citations are also not improper evidence from outside the administrative record
18 because, again, these vested-right determinations are not *evidence* at all, but persuasive legal authority
19 from parallel decisionmakers in other jurisdictions. In any event, Petitioner *did* cite three of the four
20 decisions to the County in the proceedings below, so the County was aware of them and presumably
21 considered Petitioner’s arguments about them, and those materials are rightfully part of the
22 administrative record. The only difference here is that, rather than link to these authorities, Petitioner
23 provided them for the Court’s convenience because they are not available on Westlaw or LexisNexis.
24 The fourth vested-right determination post-dated the proceedings below and so could not have been
25 cited there, but just as a court can (and should) consider intervening case authorities during the
26 pendency of a case, so too should the Court consider this vested-right determination as an additional,
27 intervening persuasive authority.

1 Finally, Respondents request in the alternative that the Court delay the January 9 hearing and
2 allow further briefing on this issue. *Id.* at 6. This is an obvious attempt to delay this case, which has
3 already been pending for more than a year and a half despite the closed record and lack of discovery.
4 Respondents have lodged their objections to the relevance of Petitioner's cited vested-right
5 determinations in their Objections and in their contemporaneous Brief in Opposition to Petitioner's
6 Request for Judicial Notice. If Respondents want to offer more arguments about the relevance or
7 propriety of these persuasive authorities, they may do so at the January 9 hearing. Further briefing
8 would serve only to impose unnecessary delay and prejudice Petitioner, which remains unable to mine
9 its Nevada County property because of the County's erroneous vested-right determination below.

10
11 DATED: December 23, 2025

HUNTON ANDREWS KURTH LLP

12 By: /s/ Martin P. Stratte

13 Martin P. Stratte
14 Thomas R. Waskom
15 Attorney for Petitioner
16 RISE GRASS VALLEY, INC.

17 DATED: December 23, 2025

COOPER & KIRK PLLP

18 By: /s/ Megan M. Wold

19 Charles Cooper
20 Michael W. Kirk
21 Megan M. Wold
22 Attorney for Petitioner
23 RISE GRASS VALLEY, INC.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is 550 S. Hope Street, Los Angeles, CA 90071.

On December 23, 2025, I served the foregoing document(s) described **PETITIONER RISE GRASS VALLEY INC.'S OPPOSITION TO RESPONDENTS' OBJECTIONS TO PETITIONER'S REPLY PAPERS** on the interested parties in this action:

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*Attorneys for Board of Supervisor for the
County of Nevada*

Attorneys for County of Nevada

- By MAIL:** by placing true and correct copy(ies) thereof in an envelope addressed to the attorney(s) of record, addressed as stated above.
- By PERSONAL SERVICE:** I delivered the envelope by hand on the addressee, addressed as stated above.
- By OVERNIGHT MAIL:** by overnight courier, I arranged for the above-referenced document(s) to be delivered to an authorized overnight courier service for delivery to the addressee(s) above, in an envelope or package designated by the overnight courier service with delivery fees paid or provided for.
- By ELECTRONIC MAIL:** by causing a true and correct copy thereof to be transmitted electronically to the attorney(s) of record at the e-mail address(es) indicated above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 23, 2025, Los Angeles, California.



Mark Johnson