

ELECTRONICALLY FILED

Superior Court of California,
County of San Diego

05/26/2020 at 08:00:00 AM

Clerk of the Superior Court
By Candace Schaeffer, Deputy Clerk

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10 Attorneys for Petitioner and Plaintiff
11 OTAY WATER DISTRICT

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

OTAY WATER DISTRICT,

Petitioner and Plaintiff,

v.

RAINBOW MUNICIPAL WATER
DISTRICT and DOES 1 through 20,
inclusive,

Respondent and Defendant .

Case No. 37-2020-00001510-CU-WM-CTL

STIPULATION AND ~~PROPOSED~~ ORDER FOR JUDGMENT

Petitioner and Plaintiff Otay Water District ("Petitioner") and Respondent and Defendant Rainbow Municipal Water District ("Respondent"), after meeting to discuss settlement of this matter pursuant to Public Resources Code section 21167.8, subdivision (a) and by signature of their representatives authorized to stipulate hereunder, hereby stipulate to the entry of an order and judgment by this court as follows:

1. On December 3, 2019 Respondent approved the "Resolution of Application Authorizing the GM to Prepare and Submit an Application to San Diego LAFCO to Detach from SDCWA and Annex to EMWD" and Respondent's related Notice of Exemption ("NOE"), which was posted and filed with the County Clerk on December 5, 2019. Prior to

1 the approval, Respondent examined the aforementioned Resolution and Application to
2 determine whether they were subject to the California Environmental Quality Act, Public
3 Resources Code section 21000 et seq., (“CEQA”) and determined that they were exempt.
4 The NOE is valid and applies only to the aforementioned Resolution and the related
5 submittal of Respondent’s application for detachment and annexation to the San Diego Local
6 Agency Formation Commission, and not to any other agency’s action on any potential
7 detachment or annexation.

8 2. The NOE may not be utilized or relied upon by the San Diego LAFCO or any
9 other agency for the purpose of that agency’s CEQA compliance in connection with any
10 potential detachment by Respondent from the San Diego County Water Authority, or for
11 any potential annexation by Respondent into Eastern Municipal Water District. Nothing in
12 this Stipulation and Order for Judgment is intended to limit the discretion of any agency to
13 independently determine the appropriate level of CEQA review required for any potential
14 detachment by Respondent from the San Diego County Water Authority, or for any potential
15 annexation by Respondent into Eastern Municipal Water District.

16 3. Petitioner’s January 17, 2020 request to Respondent for the record of
17 proceeding documents is withdrawn.

18 4. Each of the parties in this case shall bear its own fees and costs.

19 5. Judgment shall be entered in this case in accord with this Stipulation and Order
20 for Judgment, and no further proceedings in this case are required.

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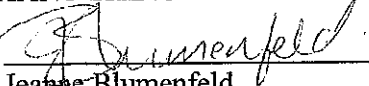
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6. The invalidity of any portion of this Stipulation and Order for Judgment shall not invalidate the remainder.

So stipulated:

Dated: March 18, 2020

ARTIANO SHINOFF

By: 
Jeanne Blumenfeld

Attorneys for Petitioner OTAY WATER DISTRICT

Dated: March 19, 2020

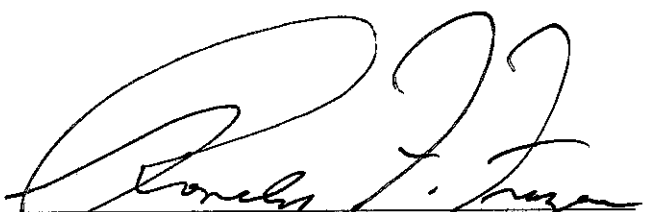
~~Rainbow Municipal Water District~~

By: 
Elizabeth Klebaner, Esq.

Attorneys for Respondent Rainbow Municipal Water District

So Ordered:

Dated: 5/28/20


JUDGE OF THE SUPERIOR COURT

RONALD F. FRAZIER

1 ARTIANO SHINOFF
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OTAY WATER DISTRICT

*Exempt from filing fee -
Government Code sections 6103 & 26857*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN DIEGO - CENTRAL JUSTICE CENTER**

11 OTAY WATER DISTRICT,

12 Plaintiff,

13 v.

14 RAINBOW MUNICIPAL WATER
DISTRICT and DOES 1 through 20,
15 inclusive,

16 Respondent.

Case No.: 37-2020-00001510-CU-WM-CTL

PROOF OF SERVICE

IMAGED FILE

Judge: Hon. Ronald F. Frazier
Dept.: C-65

Complaint Filed: January 9, 2020
Trial Date: Not Yet Set

ARTIANO SHINOFF

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21 I am and was at all times herein mentioned over the age of 18 years and not a party to
22 the action in which this service is made. At all times herein mentioned I have been employed
23 in the County of San Diego in the office of a member of the bar of this court at whose direction
24 the service was made. My business address is 2488 Historic Decatur Road, Suite 200, San
25 Diego, California 92106.

26 On April 16, 2020, I served the following document(s):

27 **STIPULATION AND [PROPOSED] ORDER FOR JUDGMENT**

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BY ELECTRONIC SERVICE via email sent to the attorneys listed below and sent without electronic error on April 16, 2020, by bpaape@as7law.com.

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Alfred E. Smith, II, Esq.
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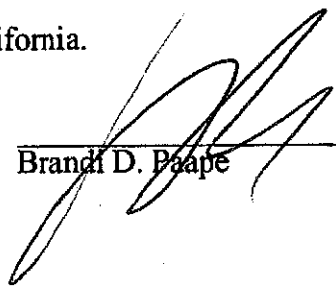
Attorneys for Rainbow Municipal Water District

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Attorneys for Rainbow Municipal Water District

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

Executed on April 16, 2020, at San Diego, California.



Brandi D. Paape

ARTIANO SHINOFF