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15 California

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF SAN FRANCISCO

18 SAN DIEGO COUNTY WATER  
AUTHORITY,

19 Petitioner and Plaintiff,

20 vs.

21 METROPOLITAN WATER DISTRICT OF  
22 SOUTHERN CALIFORNIA; ALL PERSONS  
INTERESTED IN THE VALIDITY OF THE  
23 RATES ADOPTED BY THE  
METROPOLITAN WATER DISTRICT OF  
24 SOUTHERN CALIFORNIA ON APRIL 10,  
2012 TO BE EFFECTIVE JANUARY 1, 2013  
25 AND JANUARY 1, 2014; and DOES 1-10,

26 Respondents and Defendants.  
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Case No. CPF-10-510830  
Case No. CPF-12-512466

**RESPONDENT AND DEFENDANT  
METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA'S  
NOTICE OF MOTION AND MOTION TO  
DISMISS FOR LACK OF SUBJECT  
MATTER JURISDICTION**

[Memorandum of Points and Authorities filed  
concurrently herewith]

Hon. Curtis E.A. Karnow  
Dept.: 304

Hearing Date: February 5, 2015  
Hearing Time: 9:00 a.m.

Actions Filed: June 11, 2010; June 8, 2012

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on February 5, 2015, at 9:00 a.m., or as soon thereafter  
3 as the matter may be heard, in Department 304 of the above-entitled Court, located at Civic Center  
4 Courthouse, 400 McAllister Street, San Francisco, CA 94102, Respondent and Defendant  
5 Metropolitan Water District of Southern California (“MWD”) will and does hereby move to  
6 dismiss:

7 (1) The Fourth Cause of Action in Petitioner and Plaintiff San Diego County Water  
8 Authority’s (“SDCWA”) Third Amended Petition for Writ of Mandate and Complaint for  
9 Damages and Declaratory Relief, Case No. CPF-10-510830 (“2010 Complaint”); and

10 (2) The Fourth Cause of Action in SDCWA’s Petition for Writ of Mandate and  
11 Complaint for Determination of Invalidity, Damages, and Declaratory Relief, Damages, Case  
12 No. CPF-12-512466 (“2012 Complaint”).

13 The motion is made on the grounds that an essential element of the causes of action for  
14 breach of contract is damage and the determination of damage requires the Court to set a water  
15 conveyance rate which courts do not have jurisdiction to do.

16 This motion is based on this Notice of Motion and Motion; the attached Memorandum of  
17 Points and Authorities; the record in this action; such matters of which the Court may take judicial  
18 notice; and such further argument and other matters as may be presented at or before the hearing.

19 DATED: January 9, 2015

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

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By/s/ John B. Quinn

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John B. Quinn  
Attorneys for Respondent and Defendant  
Metropolitan Water District of Southern  
California

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**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543.

On January 9, 2015, I served true copies of the following document(s) described as

**RESPONDENT AND DEFENDANT METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA'S NOTICE OF MOTION AND MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

on the interested parties in this action as follows:

**SEE ATTACHED LIST**

**BY FILE & SERVEXPRESS:** by causing a true and correct copy of the documents(s) listed above to be sent via electronic transmission through File & ServeXpress to the person(s) at the address(es) set forth below.

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

Executed on January 9, 2015, at Los Angeles, California.

  
\_\_\_\_\_  
Pamela S. Davis

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