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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

17
18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 FOR THE COUNTY OF SAN FRANCISCO

20 SAN DIEGO COUNTY WATER
AUTHORITY,

Case No.: CPF-16-515282

21 Petitioner and Plaintiff,

**RESPONDENT AND DEFENDANT
METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA'S
NOTICE OF MOTION AND MOTION
FOR PEREMPTORY
DISQUALIFICATION PURSUANT TO
CODE OF CIVIL PROCEDURE
SECTION 170.6**

22 vs.

23 THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA, ALL
24 PERSONS INTERESTED IN THE VALIDITY
OF THE RATES ADOPTED BY THE
25 METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA ON APRIL 12,
26 2016 TO BE EFFECTIVE JANUARY 1, 2017
AND JANUARY 1, 2018; AND DOES 1-10,
27 Inclusive,

Department 304
Hon. Curtis E.A. Karnow

Complaint Filed: April 13, 2016
Trial Date: None Set Yet

28 Respondents and Defendants.

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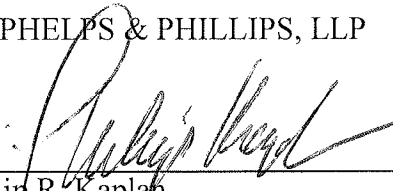
TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Respondent and Defendant Metropolitan Water District of Southern California (“MWD”) hereby moves, pursuant to Code of Civil Procedure section 170.6, to disqualify the Honorable Curtis E.A. Karnow, Judge of the Superior Court of the State of California, County of San Francisco, from presiding at the trial or any further hearing or proceeding in the above-captioned action. MWD makes this Motion on the ground that Judge Karnow is prejudiced against MWD or prejudiced against the interest of MWD, such that MWD cannot have a fair and impartial trial or hearing before Judge Karnow.

This Motion is based upon this Notice of Motion, the concurrently filed Memorandum of Points and Authorities, the concurrently filed Declaration of Phillip R. Kaplan, all pleadings and other papers on file in this action and on any argument of counsel as may be presented to the Court.

Dated: October 13, 2016

MANATT, PHELPS & PHILLIPS, LLP

By: 

Phillip R. Kaplan
Attorneys for Respondent and Defendant
METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA

317804161.1

1 **PROOF OF SERVICE**

2 I, Heather Nowak, declare as follows:

3 I am employed in Orange County, Costa Mesa, California. I am over the age of eighteen
4 years and not a party to this action. My business address is Manatt, Phelps & Phillips, LLP, 695
5 Town Center Drive, 14th Floor, Costa Mesa, California 92626-1924. On the date listed below, I
6 served the within document(s):

- 7 • **RESPONDENT AND DEFENDANT METROPOLITAN WATER DISTRICT OF**
8 **SOUTHERN CALIFORNIA'S NOTICE OF MOTION AND MOTION FOR**
9 **PEREMPTORY DISQUALIFICATION PURSUANT TO CODE OF CIVIL**
10 **PROCEDURE SECTION 170.6**
- 11 • **RESPONDENT AND DEFENDANT METROPOLITAN WATER DISTRICT OF**
12 **SOUTHERN CALIFORNIA'S MEMORANDUM OF POINTS AND**
13 **AUTHORITIES IN SUPPORT OF ITS MOTION FOR PEREMPTORY**
14 **DISQUALIFICATION PURSUANT TO CODE OF CIVIL PROCEDURE**
15 **SECTION 170.6**
- 16 • **DECLARATION OF PHILLIP R. KAPLAN IN SUPPORT OF RESPONDENT**
17 **AND DEFENDANT METROPOLITAN WATER DISTRICT OF SOUTHERN**
18 **CALIFORNIA'S MOTION FOR PEREMPTORY DISQUALIFICATION**
19 **PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 170.6**

20 on the interested parties in this action addressed as follows:

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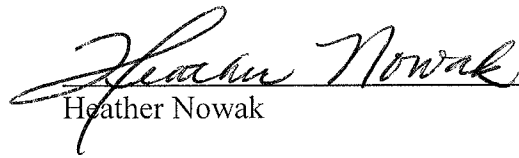
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(BY E-MAIL VIA PDF FILE) by transmitting on this date via e-mail a true and correct copy scanned into an electronic file in Adobe "pdf" format. The transmission was reported as complete and without error.

(BY ELECTRONIC SERVICE) By causing each such document to be served by File & ServeXpress™ by transmitting true and correct copies to File & ServeXpress™ to service the parties listed on the Court's service list.

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

Executed on October 13, 2016, at Costa Mesa, California.


Heather Nowak

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