



EXEMPT FROM FILING FEES
[GOVERNMENT CODE § 6103]

1 KEKER & VAN NEST LLP
JOHN W. KEKER - # 49092
2 jkeker@kvn.com
DANIEL PURCELL - # 191424
3 dpurcell@kvn.com
DAN JACKSON - # 216091
4 djackson@kvn.com
WARREN A. BRAUNIG - # 243884
5 wbraunig@kvn.com
6 633 Battery Street
San Francisco, CA 94111-1809
7 Telephone: 415 391 5400
Facsimile: 415 397 7188

8 MARK J. HATTAM - 173667
mhattam@sdewa.org
9 General Counsel
SAN DIEGO COUNTY WATER AUTHORITY
10 4677 Overland Avenue
San Diego, CA 92123
11 Telephone: (858) 522-6791
12 Facsimile: (858) 522-6566
13 Attorneys for Petitioner and Plaintiff
SAN DIEGO COUNTY WATER AUTHORITY

F I L E D
Superior Court of California
County of San Francisco

NOV 10 2016

CLERK OF THE COURT
BY: *[Signature]*
Deputy Clerk

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 THE COUNTY OF SAN FRANCISCO

17 SAN DIEGO COUNTY WATER
AUTHORITY,
18
19 Petitioner and Plaintiff,

20 v.

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

26 Respondents and Defendants.

Case No. CPF-16-515282

**STIPULATION RE: FILING OF
AMENDED COMPLAINT AND STAY OF
ACTION; ~~PROPOSED~~ ORDER**

Assigned for all purposes to
Hon. Mary E. Wiss
Dept. 305

Date Filed: April 13, 2016

Trial Date: Not Yet Set

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28
STIPULATION RE: FILING OF AMENDED COMPLAINT AND STAY OF ACTION; ~~PROPOSED~~
ORDER

Case No. CPF-16-515282

1 WHEREAS, on April 13, 2016, Petitioner and Plaintiff San Diego County Water
2 Authority ("San Diego") filed a Petition for Writ of Mandate and Complaint for Determination of
3 Invalidity, and Declaratory Relief ("Complaint") in the Superior Court of California, County of
4 Los Angeles, challenging, among other things, the legality of rates and charges set by Respondent
5 and Defendant Metropolitan Water District of Southern California ("MWD") for calendar years
6 2017 and 2018; and

7 WHEREAS the Complaint explicitly provided that, after complying with certain statutory
8 and contractual requirements, San Diego intended to amend the Complaint to add claims for
9 breach of contract; and

10 WHEREAS, on June 30, 2016, nine MWD member agencies—the City of Los Angeles,
11 the City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las
12 Virgenes Municipal Water District, Municipal Water District of Orange County, Three Valleys
13 Municipal Water District, West Basin Municipal Water District, and Western Municipal Water
14 District ("Member Agencies")—filed answers to the Complaint; and

15 WHEREAS, on May 9, 2016, MWD filed a motion to transfer venue pursuant to Code of
16 Civil Procedure section 394, which tolled the date for MWD to respond to the Complaint; and

17 WHEREAS, on August 23, 2016, Hon. Mary Strobel of the Superior Court of California,
18 County of Los Angeles granted a motion to transfer venue and transferred this case to the
19 Superior Court of California, City and County of San Francisco; and

20 WHEREAS San Diego now wishes to amend its Complaint; and

21 WHEREAS San Diego can amend as of right to add additional claims against MWD,
22 which has not yet responded to the Complaint, but must obtain a stipulation or leave of Court to
23 amend its Complaint as to the Member Agencies; and

24 WHEREAS on October 31, 2016 San Diego filed a Motion for Leave to File Amended
25 Complaint ("Motion for Leave") that is set for hearing on December 6, 2016; and

26 WHEREAS on November 4, 2016 MWD filed a Motion to Stay Action ("Motion to
27 Stay") that is also set for hearing on December 6, 2016; and

28 WHEREAS MWD's response to the original Complaint is due to be filed and served on

1 November 14, 2016; and

2 WHEREAS MWD and the Member Agencies, having been provided a copy of San
3 Diego's First Amended Petition for Writ of Mandate and Complaint for Determination of
4 Invalidity, Damages and Declaratory Relief ("First Amended Complaint"), and having received
5 the Motion for Leave, have no objection to the filing of the First Amended Complaint, while
6 reserving all rights to challenge it on any grounds or otherwise respond to it, and

7 WHEREAS, San Diego, MWD and the Member Agencies all agree that it is in the
8 interests of judicial economy and the parties to stay this action immediately upon the filing of the
9 First Amended Complaint pending final resolution of the appeal in *San Diego County Water*
10 *Authority v. Metropolitan Water District*, First District, Court of Appeal Case Nos. A146901 &
11 148266 ("2010/2012 Appeals"), which addresses San Diego's challenge to the legality of rates set
12 by MWD for calendar years 2011 through 2014.

13 NOW, THEREFORE San Diego, MWD and the Member Agencies STIPULATE and
14 REQUEST as follows:

15 1. San Diego may file its First Amended Complaint, and MWD and the Member
16 Agencies do not object to the filing of such First Amended Complaint, while reserving all rights
17 to challenge it on any grounds or otherwise to respond to it;

18 2. The Court should enter an Order that the First Amended Complaint, attached
19 hereto, ~~is deemed~~ *maybe after* filed as of the date of the Order;

20 3. Given the filing of the First Amended Complaint, MWD is not required to respond
21 to the original Complaint; and

22 4. This action shall be stayed immediately upon the filing of the First Amended
23 Complaint pending final resolution of the 2010/2012 Appeals.

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Dated: Nov. 10, 2016

KEKER & VAN NEST LLP

By: Warren A. Braunig / des
WARREN A. BRAUNIG

Attorneys for Petitioner and Plaintiff
SAN DIEGO COUNTY WATER
AUTHORITY

Dated: 10 Nov. 2016

MANATT, PHELPS & PHILLIPS, LLP

By: Barry W. Lee
BARRY W. LEE

Attorneys for Respondent and Defendant
METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Dated:

MICHAEL N. FEUER
CITY ATTORNEY

MEYERS, NAVE, RIBACK, SILVER &
WILSON

By: MICHAEL N. FEUER
AMRIT S. KULKARNI
GREGORY J. NEWMARK

Attorneys for Real Party in Interest
THE CITY OF LOS ANGELES, ACTING
BY AND THROUGH ITS DEPARTMENT
OF WATER AND POWER

Dated:

CITY OF TORRANCE

By: PATRICK Q. SULLIVAN
Attorneys for CITY OF TORRANCE

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Dated: KEKER & VAN NEST LLP


By: _____
WARREN A. BRAUNIG
Attorneys for Petitioner and Plaintiff
SAN DIEGO COUNTY WATER
AUTHORITY

Dated: MANATT, PHELPS & PHILLIPS, LLP

By: _____
BARRY W. LEE
Attorneys for Respondent and Defendant
METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Dated: 11.10.16

MICHAEL N. FEUER
CITY ATTORNEY
MEYERS, NAVE, RIBACK, SILVER &
WILSON

By: 
MICHAEL N. FEUER
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Dated: KEKER & VAN NEST LLP

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SAN DIEGO COUNTY WATER
AUTHORITY

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By: _____
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By: Patrick Q Sullivan
PATRICK Q. SULLIVAN
Attorneys for CITY OF TORRANCE

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Dated:

LEMIEUX & O'NEILL

By:


STEVEN P. O'NEILL

Attorneys for Real Parties in Interest
EASTERN MUNICIPAL WATER
DISTRICT, FOOTHILL MUNICIPAL
WATER DISTRICT, LAS VIRGENES
MUNICIPAL WATER DISTRICT, WEST
BASIN MUNICIPAL WATER DISTRICT,
and WESTERN MUNICIPAL WATER
DISTRICT

Dated:

ALESHIRE & WYNDER, LLP

By:

STEVE ONSTOT
CHRISTINE M. CARSON

Attorneys for Real Party in Interest
MUNICIPAL WATER DISTRICT OF
ORANGE COUNTY

Dated:

BRUNICK, MCELHANEY & KENNEDY

By:

STEVEN M. KENNEDY

Attorneys for Real Party in Interest
THREE VALLEYS MUNICIPAL WATER
DISTRICT

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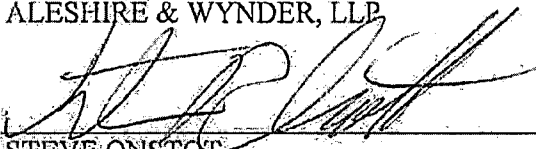
Attorneys for Real Parties in Interest
EASTERN MUNICIPAL WATER
DISTRICT, FOOTHILL MUNICIPAL
WATER DISTRICT, LAS VIRGENES
MUNICIPAL WATER DISTRICT, WEST
BASIN MUNICIPAL WATER DISTRICT,
and WESTERN MUNICIPAL WATER
DISTRICT

Dated:

11/10/2016

ALESHIRE & WYNDER, LLP

By:



STEVE ONSTOT
CHRISTINE M. CARSON

Attorneys for Real Party in Interest
MUNICIPAL WATER DISTRICT OF
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LEMIEUX & O'NEILL

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STEVEN P. O'NEILL

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MUNICIPAL WATER DISTRICT, WEST
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DISTRICT

Dated:

ALESHIRE & WYNDER, LLP

By:

STEVE ONSTOT
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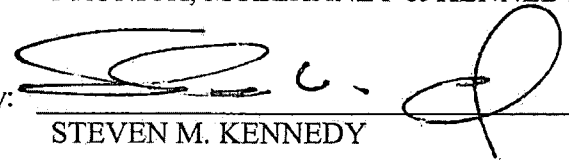
Attorneys for Real Party in Interest
MUNICIPAL WATER DISTRICT OF
ORANGE COUNTY

Dated:

11/10/16

BRUNICK, MCELHANEY & KENNEDY

By:


STEVEN M. KENNEDY

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THREE VALLEYS MUNICIPAL WATER
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~~PROPOSED~~ ORDER

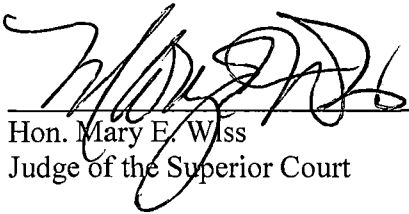
Based on the stipulation of the parties, and good cause appearing, the Court ORDERS that

1. San Diego County Water Authority ^{may file the proposed} First Amended Complaint, ~~attached to this~~
~~stipulation, is deemed filed as of the date of~~ ^{after} entry of this Order, with MWD and the Member
Agencies reserving all rights to challenge on any grounds or otherwise to respond to the First
Amended Complaint. *The FAC must be filed as a separate*

2. MWD is not required to respond to the original Complaint. *document.*

3. This action shall be and hereby is stayed immediately upon the filing of the First ^{for all purposes}
Amended Complaint pending final resolution of the 2010/2012 Appeals. *The parties are*
directed to reschedule the CMC upon filing of the
IT IS SO ORDERED. *remittitur.*

Dated: Nov 10, 2016


Hon. Mary E. Wiss
Judge of the Superior Court

317939160.1

Superior Court of California
County of San Francisco

SAN DIEGO COUNTY WATER AUTHORITY,

Petitioner and Plaintiff,

vs.

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

Respondents and Defendants.

Case Number: CPF-16-515282

**CERTIFICATE OF
ELECTRONIC SERVICE**
(CCP 1010.6(6) & CRC 2.260(g))

I, Michael Yuen, Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On November 10, 2016, I electronically served the STIPULATION RE: FILING OF AMENDED COMPLAINT AND STAY OF ACTION; ORDER via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: November 10, 2016

MICHAEL YUEN, Clerk

By: 

Sean Kane, Deputy Clerk