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E-FILED
9/20/2017 9:40 AM
FRESNO COUNTY SUPERIOR COURT
By: K. Daves, Deputy

6 Attorneys for Pinedale County Water District

7 NO FILING FEE REQUIRED GOVERNMENT CODE §6103

8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF FRESNO**

10 CITY OF FRESNO,

11 Plaintiff,

12 v.

13 PINEDALE COUNTY WATER
DISTRICT,

14 Defendant.
15

) CASE NO. 17 CECG 02055
)
)

) **NOTICE OF MOTION AND MOTION FOR**
) **TRANSFER OF ACTION[CCP §394]**
)

) Date: November 08, 2017

) Time: 8:30 a.m.

) Dept.: 404

) Judge : Honorable Mark Cullers
)
)

16
17 TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

18 YOU ARE HEREBY NOTIFIED that on November 8, 2017 at 8:30 a.m., or as soon
19 thereafter as the matter may be heard, Defendant, PINEDALE COUNTY WATER
20 DISTRICT, will move the court for an order under CCP §394 transferring the above-entitled
21 action to a neutral county or the assignment of a disinterested judge from a neutral county
22 to hear the action and all proceedings in connection therewith.

23 The motion is made on the ground that transfer to a county in which neither the
24 Plaintiff nor Defendant is situated or the assignment of a disinterested judge from a neutral
25 county to hear the matter is required by the provisions of Code of Civil Procedure §394, on
26 the request of either party, because this is an action or proceeding against a local agency
27 by a city located within the same county. The motion will be based on this Notice of Motion
28 and Motion, the accompanying Memorandum of Points and Authorities and the Complaint

NOTICE OF MOTION AND MOTION FOR TRANSFER OF CASE

00015795.WPD;1

1 and all papers, records and documents on file and upon evidence, oral and documentary,
2 to be presented at the hearing on this motion.

3 Dated: 9-15, 2017

COSTANZO & ASSOCIATES

4 By: 

5 Neal E. Costanzo, Attorneys for
6 Petitioner/Defendant
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1 **PROOF OF SERVICE BY MAIL AND FACSIMILE**

2 The undersigned declares:

3 Shirlene Capuchino, the undersigned, declare that:

4
5 I am employed in the County of Fresno, State of California. I am over the age of eighteen
6 years, and am not a party to the within action. My business address is 575 E. Locust Avenue,
Suite 115, Fresno California 93720.

7 I am familiar with the regular mail collection and processing practice of said business and
8 in the ordinary course of business the mail is deposited with the United States Postal Service that
9 same day.

10 On September 20, 2017, I served the foregoing documents described as:

11 **NOTICE OF MOTION AND MOTION FOR TRANSFER OF ACTION**
12 **[CCP §394]**

13 on all parties to this action by causing a true copy thereof to be:

14 **(X)** Placed in a sealed envelope with postage thereon fully prepaid in the designated
15 area for outgoing mail.

16 **(X)** Sent via Facsimile

17 Addressed as follows:

18
19 James B. Betts, Esq.
20 BETTS & RUBIN
21 907 Santa Fe Avenue, Suite #201
22 Fresno, California 93721
23 (559) 438-6959 Facsimile

CITY OF FRESNO

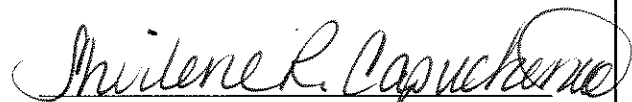
vs.

PINEDALE COUNTY WATER DISTRICT

Case No. 17CECG02055

24
25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct.

27 Date: September 20, 2017

28

Shirlene R. Capuchino