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6 Attorneys for Petitioner CITY OF FRESNO

E-FILED

10/13/2017 11:55 AM

FRESNO COUNTY SUPERIOR COURT

By: K. Daves, Deputy

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF FRESNO

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11
12 CITY OF FRESNO,

13 Petitioner,

14 v.

15 PINEDALE COUNTY WATER DISTRICT;
and DOES 1 through 15, inclusive,

16 Respondent.
17
18

Case No. 17CECG02055

PETITIONER'S REQUEST FOR
JUDICIAL NOTICE RE: MOTION
TO TRANSFER VENUE

Date: November 8, 2017

Time: 8:30 a.m.

Dept: 404

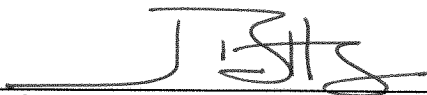
Judge: Honorable Mark Cullers

19
20 Pursuant to Evidence Code sections 450, 451, 452 and 453, Petitioner City of
21 Fresno requests judicial notice of the following:

22 1. Second Amended Judgment issued by Madera County Superior Court,
23 a true and correct copy is attached as Exhibit 1.
24

25 Dated: October 13, 2017

BETTS & RUBIN

26
27 
28 By James B. Betts

Attorneys for Petitioner City of Fresno

EXHIBIT 1

1 **BETTS & RUBIN, A Professional Corporation**
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6 Attorneys for Plaintiff CITY OF FRESNO

FILED
MADERA SUPERIOR COURT

APR 6 2015

BONNIE THOMAS

CLERK

DEPUTY

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF MADERA

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11 CITY OF FRESNO,

12 Plaintiff,

13 v.

14 PINEDALE COUNTY WATER DISTRICT;
and DOES 1 through 15, inclusive,

15 Defendants.
16
17

Case No. MCV043413

SECOND AMENDED JUDGMENT

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20 On January 23, 2012, the Court entered its Amended Judgment in this matter in
21 the amount of \$86,658.58. On December 18, 2013, the City filed its Memorandum of
22 Costs on Appeal in the amount of \$938.91, and no motion to tax such costs was filed.
23 On January 31, 2014, this Court issued its Order Granting Plaintiff's Motion to Fix
24 Attorney's Fees on Appeal, and awarded additional attorney's fees in the amount of
25 \$39,918.00 to be included as part of the Judgment.

26 Thus, IT IS ORDERED, ADJUDGED AND DECREED that the Amended
27 Judgment should be amended to specifically include the referenced costs and fees,
28

1 and that Defendant City of Fresno shall recover the sum of \$127,515.84 against
2 Defendant Pinedale County Water District.

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4 Dated: 4-6-, 2015

By 
Judge James E. Oakley
Judge of the Superior Court

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PROOF OF SERVICE

I am a citizen of the United States of America, a resident of Fresno County, California, over the age of 18 years and not a party to the within-entitled cause or matter. My business address is 907 Santa Fe Avenue, Ste. 201, Fresno, CA. 93721. On October 13, 2017, I served **PETITIONER'S REQUEST FOR JUDICIAL NOTICE RE: MOTION TO TRANSFER VENUE** on the parties in this action by placing an original/a true copy in an envelope and delivering it as follows:

____ (By Overnight Courier) I caused such envelope with postage fully prepaid, to be sent by _____.

____ (By Mail) I deposited the envelope, with postage fully prepaid, with the United States Postal Service at Fresno, Fresno County, California.

X (By Mail) I placed the envelope for collection and processing for mailing following this business' ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Each envelope was addressed as follows:

Neal Costanzo, Esq.
Costanzo & Associates
575 E. Locust Avenue, Ste. 115
Fresno, CA. 93720

____ (By Telecopy) I caused each document to be sent by telecopier to the aforementioned number(s).

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, 2017, at Fresno, California.


Ellen Carnese