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9/21/2018 1:24 PM
FRESNO COUNTY SUPERIOR COURT
By: K. Daves, Deputy

James B. Betts (State Bar #110222)
Joseph D. Rubin (State Bar #149920)
Attorneys for Defendant City of Fresno

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF FRESNO

PINEDALE COUNTY WATER DISTRICT,)
a County Water District,)
Plaintiff,)
v.)
CITY OF FRESNO, a Municipal)
Corporation, and DOES 1 through 5)
inclusive,)
Defendant.)

Case No. 18CECG02957

DEFENDANT CITY OF FRESNO'S
DEMURRER TO COMPLAINT

Date: October 24, 2018
Time: 3:30 p.m.
Courtroom: 502

1 Defendant City of Fresno, (also referred to as "City"), hereby demurs to the
2 Complaint on the following grounds:

3
4 **DEMURRER TO THE SECOND CAUSE OF ACTION**

5 (Declaratory Relief)

6 (a) The Court has no jurisdiction of the subject of the cause of action alleged in the
7 Complaint (CCP § 430.10(a));

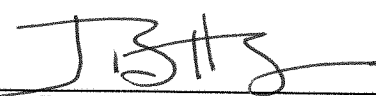
8 (b) The pleading does not state facts sufficient to constitute a cause of action (CCP
9 § 430.10(e)); and

10 (c) There is another action pending between the same parties or the same cause
11 of action. (CCP § 430.10(c)).

12 The City's demurrer will be based upon this Demurrer, the Notice of Hearing on
13 Demurrer, the Memorandum of Points and Authorities in Support Thereof, the Request for
14 Judicial Notice, upon all pleadings and papers on file herein, upon such matters as this
15 Court may elect to consider by way of judicial notice, and upon such other oral and
16 documentary evidence as may be presented at the time of the hearing.

17
18
19 Dated: September ²¹, 2018

BETTS & RUBIN

20
21 By 

22 James B. Betts

23 Attorney for Defendant City of Fresno
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1 PROOF OF SERVICE

2 I am a citizen of the United States of America, a resident of Fresno County,
3 California, over the age of 18 years and not a party to the within-entitled cause or
4 matter. My business address is 907 Santa Fe Avenue, Suite. 201, Fresno, CA. On
5 September 21, 2018, I served **DEFENDANT CITY OF FRESNO'S DEMURRER TO
COMPLAINT** on the parties in this action by placing an original/a true copy in an
envelope and delivering it as follows:

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

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

9 X **(By Mail)** I placed the envelope for collection and processing for mailing following
10 this business' ordinary practice with which I am readily familiar. On the same
11 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.

12 X **(By Electronic Mail)** I caused each document to be sent electronically to the
address below.

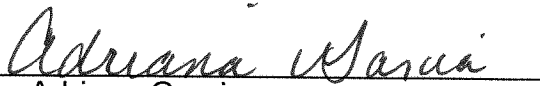
13 Each envelope was addressed as follows:

14 Neal E. Costanzo Esq.
15 Michael G. Slater Esq.
16 Costanzo & Associates
A Professional Corporation
17 575 E. Locust Avenue, Suite 115
Fresno, CA 93720
Email: ncostanzo@costanzolaw.com

Attorneys for:
PINEDALE COUNTY WATER DISTRICT

18 _____ **(By E-Mail)** I caused each document to be sent by e-mail.

19
20 I declare under penalty of perjury under the laws of the State of California that
the above is true and correct. Executed on September 21, 2018, at Fresno, California.

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22
23 
Adriana Garcia