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

7 James B. Betts (State Bar #110222)
Joseph D. Rubin (State Bar #149920)
8 Attorneys for Defendant City of Fresno
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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF FRESNO

13 PINEDALE COUNTY WATER DISTRICT,)
a County Water District,)
14)
Plaintiff,)
15)
v.)
16)
17 CITY OF FRESNO, a Municipal)
Corporation, and DOES 1 through 5)
18 inclusive,)
19 Defendant.)
20)
21)

Case No. 18CECG02957

NOTICE OF MOTION AND
MOTION TO STRIKE
ALLEGATIONS OF PLAINTIFF'S
COMPLAINT

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

22 TO PLAINTIFF AND TO ITS ATTORNEYS OF RECORD:

23 NOTICE IS HEREBY GIVEN that Defendant City of Fresno will, and hereby does,
24 move to strike irrelevant and or improper allegations from Plaintiff's Complaint under CCP
25 §§ 435 and 436(a). Specifically, Defendant requests that the following paragraphs of
26 Plaintiff's Complaint be stricken: 3-9, inclusive.

27 This Motion will be based upon this Notice of Motion; the Memorandum of Points
28 and Authorities; in Support of Motion to Strike, the pleadings, records and files in this

1 action; and upon such other matters as may be presented at or prior to the hearing on this
2 motion.

3
4 Dated: September 21, 2018

BETTS & RUBIN

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6 By 

James B. Betts
Attorney for Defendant City of Fresno

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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, Suite. 201, Fresno, CA. On September 21, 2018, I served **NOTICE OF MOTION AND MOTION TO STRIKE ALLEGATIONS OF PLAINTIFF'S COMPLAINT** 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.

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

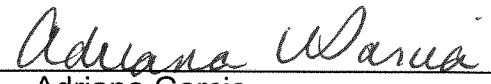
Each envelope was addressed as follows:

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

Attorneys for:
PINEDALE COUNTY WATER DISTRICT

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

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.



Adriana Garcia