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10/15/2018 4:04 PM
FRESNO COUNTY SUPERIOR COURT
By: J. Nelson, 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 PINEDALE COUNTY WATER)
DISTRICT, a County Water District,)

11 Plaintiff,)

12 v.)

13 CITY OF FRESNO, a Municipal)
14 Corporation, and DOES 1 through 5)
inclusive,)

15 Defendants.)
16

Case No. 18CECG02957

**MOTION TO TRANSFER TO KINGS
COUNTY**

DATE: December 5, 2018

TIME: 3:30 p.m.

DEPT: 502

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

18 YOU ARE HEREBY NOTIFIED THAT on December 5, 2018 at 3:30 p.m., or as
19 soon thereafter as the matter may be heard in Department 502 of the above entitled court,
20 Plaintiff, Pinedale County Water District, will move the court for an order under CCP §394
21 transferring the above entitled action to a neutral county, specifically the Superior Court of
22 Kings County, or in the alternative, to a disinterested judge from a neutral county assigned
23 to hear the action and all proceedings in connection therewith.

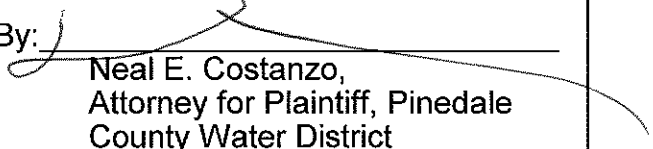
24 This motion is made on the ground that a transfer to a county in which neither
25 plaintiff or defendant, both of whom are cities or local agencies within the meaning of
26 CCP§ 394 is situated, or the assignment of a disinterested judge from a neutral county to
27 hear the matter, is required by the provisions of CCP §394 on the request of either party
28 because this is an action or proceeding against a city by a local agency, both of which are

CROSS-COMPLAINT

1 located in the same county. The motion will be based on this Notice of Motion, the
2 accompanying Memorandum of Points and Authorities and the Complaint and all papers,
3 records and documents on file and upon evidence, oral and documentary to be presented
4 at the hearing of this motion.

5 //

6 Dated: October 15, 2018

By: 

Neal E. Costanzo,
Attorney for Plaintiff, Pinedale
County Water District

1 PROOF OF SERVICE

2 The undersigned declares:

3 I, Julia Sellers, the undersigned, declare that:

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

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

10 On October 15, 2018, I served the foregoing document described as:

11 **MOTION TO TRANSFER TO KINGS COUNTY**

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

- 13 ☐ Telecopied Via Facsimile
14 ☒ Placed in a sealed envelope with postage thereon fully prepaid in the
15 designated area for outgoing mail
16 ☒ Electronic Mail
17 ☐ Sent Via Overnight Delivery (see below)

18 as addressed below:

19 James B. Betts
20 Joseph D. Rubin
21 Betts & Rubin
22 907 Santa Fe Avenue, Suite 201
23 Fresno, CA 93721
24 Email: br@bettsrubinlaw.com

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: October 15, 2018

28 
Julia Sellers