

1 SOMACH SIMMONS & DUNN
A Professional Corporation
2 MICHAEL E. VERGARA (SBN 137689)
mvergara@somachlaw.com
3 KELLEY M. TABER (SBN 184348)
ktaber@somachlaw.com
4 500 Capitol Mall, Suite 1000
Sacramento, CA 95814
5 Telephone: (916) 446-7979
Facsimile: (916) 446-8199
6

7 Attorneys for Respondents NORTH YUBA
WATER DISTRICT, NORTH YUBA
WATER DISTRICT BOARD OF
8 DIRECTORS, DOUG NEILSON, FRED
MITCHELL, GARY HAWTHORNE,
9 GRETCHEN FLOHR and ERIC HANSARD
in their official capacities
10
11

EXEMPT FROM FILING FEES
PURSUANT TO GOV. CODE, § 6103

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF SUTTER

14
15 SOUTH FEATHER WATER AND POWER
AGENCY,

16 Petitioner,

17 v.

18 NORTH YUBA WATER DISTRICT,
19 NORTH YUBA WATER DISTRICT BOARD
OF DIRECTORS, DOUG NEILSON, FRED
20 MITCHELL, GARY HAWTHORNE,
GRETCHEN FLOHR and ERIC HANSARD
21 in their official capacities; and DOES 1 to 20,
inclusive,
22

23 Respondents.
24
25
26
27
28

CASE NO. CVCS21-0002073

Filed Under Cal. Environmental Quality Act
(CEQA)

[PROPOSED] ORDER SUSTAINING
DEMURRER TO AMENDED VERIFIED
PETITION

Hearing Date: January 3, 2022
Time: 9:00 a.m.

Assigned to Hon. Perry Parker

Date Action Filed: April 2, 2021

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respondents North Yuba Water District, et al.’s (District) Demurrer to Petitioner South Feather Water and Power Agency’s (Agency) Verified First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief, filed in Butte County Superior Court on August 16, 2021, and transferred to this Court on November 24, 2021, came on for hearing before the above-entitled Court on January 3, 2021. Attorneys from Somach Simmons & Dunn appeared on behalf of District, and attorneys from Minasian, Meith, Soares, Sexton & Cooper appeared on behalf of Agency.

This Court, having considered the documents filed in support and the arguments of counsel, finds as follows:

The demurrer is **SUSTAINED** as to the First, Second, Third, and Fourth Causes of Action without leave to amend. As a result of there being no remaining potential causes of action, the Verified First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief is dismissed in its entirety with prejudice.

IT IS SO ORDERED.

DATED: _____, 2022

HONORABLE PERRY PARKER
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE
(State of California)

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On December 7, 2021, I served the following document(s):

[PROPOSED] ORDER SUSTAINING DEMURRER TO VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF

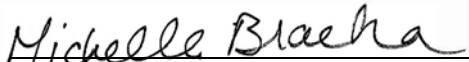
XX (by personal delivery) I caused to be personally delivered a true copy of the above-referenced document to the person(s) and at the address(es) set forth below:

Dustin C. Cooper Jackson Minasian Aidan Wallace MINASIAN, MEITH, SOARES, SEXTON & COOPER LLP 1681 Bird Street, P.O. Box 1679 Oroville, CA 95965 dcooper@minasianlaw.com jminasian@minasianlaw.com awallace@Minasianlaw.com atoohay@Minasianlaw.com ljanowski@minasianlaw.com	<i>Attorneys for SOUTH FEATHER WATER AND POWER AGENCY</i>
--	---

XX Via electronic service to the electronic mail addresses set forth below:

Mark A. Habib PETERS, HABIB, MCKENNA, JUHL-RHODES & CARDOZA 414 Salem Street P.O. Box 3509 Chico, CA 95927 mhabib@peterslawchico.com	<i>Attorneys for NORTHSTAR ENGINEERING</i>
--	--

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 7, 2021, at Sacramento, California.


Michelle Bracha