

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 184348 NAME: KELLEY M. TABER FIRM NAME: SOMACH SIMMONS & DUNN STREET ADDRESS: 500 CAPITOL MALL, SUITE 1000 CITY: SACRAMENTO STATE: CA ZIP CODE: 95814 TELEPHONE NO.: 916-446-7979 FAX NO.: E-MAIL ADDRESS: KTABER@SOMACHLAW.COM ATTORNEY FOR (name): RESPONDENTS NORTH YUBA WATER DISTRICT, ET AL.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER STREET ADDRESS: 1175 CIVIC CENTER BLVD. MAILING ADDRESS: 1175 CIVIC CENTER BLVD. CITY AND ZIP CODE: YUBA CITY, CA 95993 BRANCH NAME: MAIN COURTHOUSE	CASE NUMBER: CVCS21-0002073
PLAINTIFF/PETITIONER: SOUTH FEATHER WATER AND POWER AGENCY DEFENDANT/RESPONDENT: NORTH YUBA WATER DISTRICT, ET AL. OTHER:	JUDICIAL OFFICER: HON. PERRY PARKER
PROPOSED ORDER (COVER SHEET)	DEPT:

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order: **RESPONDENTS NORTH YUBA WATER DISTRICT, ET AL.**

2. Title of the proposed order: **[PROPOSED] ORDER SUSTAINING DEMURRER TO AMENDED VERIFIED PETITION**

3. The proceeding to which the proposed order relates is: **HEARING ON DEMURRER**
 - a. Description of proceeding: **HEARING ON DEMURRER**
 - b. Date and time: **JANUARY 3, 2022 AT 9:00 A.M.**
 - c. Place: **YUBA CITY, CALIFORNIA**

4. The proposed order was served on the other parties in the case.

KELLEY M. TABER

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:

SFWPA v. NYWD, ET AL.

CASE NUMBER:

CVCS21-0002073

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*): **500 CAPITOL MALL, SUITE 1000
SACRAMENTO, CA 95814**

b. My electronic service address is (*specify*): **mbracha@somachlaw.com**

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

**SOUTH FEATHER WATER AND POWER AGENCY
NORTHSTAR ENGINEERING**

b. To (*electronic service address of person served*): **awallace@Minasianlaw.com**

c. On (*date*): **DECEMBER 7, 2021** **(Additional emails listed below.)**

Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

dcooper@minasianlaw.com
jminasian@minasianlaw.com
atoohy@Minasianlaw.com
ljanowski@minasianlaw.com
mhabib@peterslawchico.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **December 7, 2021**

Michelle Bracha

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

1 SOMACH SIMMONS & DUNN
A Professional Corporation
2 MICHAEL E. VERGARA (SBN 137689)
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3 KELLEY M. TABER (SBN 184348)
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5 Telephone: (916) 446-7979
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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
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EXEMPT FROM FILING FEES
PURSUANT TO GOV. CODE, § 6103

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF SUTTER

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15 SOUTH FEATHER WATER AND POWER
AGENCY,

16
17 Petitioner,

18 v.

19 NORTH YUBA WATER DISTRICT,
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,
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23 Respondents.
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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

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


Michelle Bracha