

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

DATE/TIME:	May 6, 2024	DEP. NO.:	4
JUDGE:	HON. JENNIFER K. ROCKWELL	CLERK:	L. ECCEL
<p>CITRUS HEIGHTS WATER DISTRICT, et al., Petitioners,</p> <p>v.</p> <p>SAN JUAN WATER DISTRICT, et al., Respondent.</p>		<p>Case No.: 23WM000080</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>FILED/ENDORSED</p> <p>MAY 6 2024</p> <p>By: <u>L. Eccel</u> Deputy Clerk</p> </div>	
<p>SACRAMENTO SUBURBAN WATER DISTRICT, et al.</p> <p>Real Parties in Interest.</p>			
Nature of Proceedings:	<p>Petitioners' Motion for Attorneys' Fees</p> <p>Respondent's Motion to Strike Memorandum of Costs</p>		

RULING ON SUBMITTED MATTER

The Court, having taken the matters under submission on April 22, 2024, now rules as follows:

The Court affirms the tentative ruling with the following additional discussion.

At the hearing, counsel for Respondent noted that the comments of Tom Gray at the March 22, 2023, board meeting were submitted by Petitioner Fair Oaks Water District (Fair Oaks) only. Counsel for Petitioner Citrus Heights Water District (Citrus Heights) confirmed that Citrus Heights submitted no comments at the March 22, 2023, meeting and made no other communications informing Respondent of Citrus Heights' objection to the March 22, 2023, approval until the day before the petition was filed, when Petitioners sent the required notice of a CEQA lawsuit. (Pet., Exh. A.) Thus, even if the Court had determined that Mr. Gray's comments were evidence of settlement efforts on the part of Fair Oaks, the record is devoid of evidence of any such efforts by Citrus Heights.

With regard to the comments at the March 22, 2024 meeting, it is noteworthy that Respondent took the action approving the delegation of authority *after* receiving Mr. Gray's comments. Since the dispute between the parties did not arise until the Board approved the delegation of authority, Mr. Gray's comments, standing alone, cannot support a finding that either Petitioner made reasonable efforts to settle the dispute – the dispute did yet exist when Mr. Gray submitted his comments.

Finally, counsel for Petitioners acknowledged that in the nearly six months between the approval of the delegation of authority and the filing of the petition, the parties were in communication about various issues unrelated to the approval. Yet nothing in the record indicates that during these discussions, either Citrus Heights or Fair Oaks ever raised any objections to the delegation of authority or informed Respondent that it was preparing to file the petition. Although the statute of limitations for CEQA claims is often quite compressed (See Pub. Resources Code, 21167, subd. (b) [30-day statute of limitations for action alleging improper determination under CEQA]), as both parties noted at the hearing, the statute of limitations for Petitioners' claims here was 180 days. (Pub. Resources Code, § 21167, subd. (a).) Given the extended limitations period and the parties' ongoing correspondence about other matters, Petitioners had ample opportunity to, at the very least, put Respondent on notice of the dispute in some manner. Instead, Petitioners elected to remain silent until the day before they filed the petition.

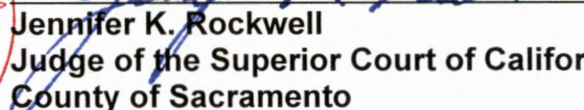
While “[l]ong prelitigation negotiations are not required, nor is it necessary that the settlement demand be made by counsel, a plaintiff must at least notify the defendant of its grievances and proposed remedies and give the defendant the opportunity to meet its demands within a reasonable time.” (*Graham v. DaimlerChrysler Corp.* (2004) 34 Cal.4th 553, 577.) Here, Plaintiffs failed to establish that they met even this minimal standard, and are not entitled to a fee award under the catalyst theory.

The tentative ruling is affirmed.

Counsel for Respondent shall prepare **two separate formal orders, one for each motion addressed herein, with each order incorporating this ruling and the tentative ruling as exhibits**, submit them to opposing counsel for approval as to form, and thereafter submit them to the Court for signature in accordance with California Rules of Court, rule 3.1312.

May 6, 2024




Jennifer K. Rockwell
Judge of the Superior Court of California
County of Sacramento