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SUPERIOR COURT OF THE STATE OF CALIFORNIA

SANTA CLARA COUNTY

BONNIE KESSNER and ANDREA MCCARTNEY-PAGE, individually and on behalf of all others similarly situated, and on behalf of the general public; ADRIENNE MADAMA-STODDARD, individually and on behalf of all others similarly situated; ALBERTO PINERO, individually and on behalf of all others similarly situated; ALVARO MENDOZA, individually and on behalf of all others similarly situated; AMANDA CLARK, individually and on behalf of all others similarly situated; ANGELINA AYALA, individually and on behalf of all others similarly situated; ANNE MOELL, individually and on behalf of all others similarly situated; ANNETTE JOHNSON, individually and on behalf of all others similarly situated; BARBARA WILLIAMS, individually and on behalf of all others similarly situated; BELINDA MAXWELL, individually and on behalf of all others similarly situated; BERNARD SAFIR, individually and on behalf of all others similarly situated; BETTY CASTER, individually and on behalf of all others similarly situated; BLANCA BROWN, individually and on behalf of all others similarly situated; BRENT LISTER, individually and on behalf of all others similarly situated; BRIAN ROJAS, individually and on behalf of all others similarly situated; C. LYNN CLARK, individually and on behalf of all others similarly situated; CARLOS WARTER, individually and on behalf of all others similarly situated; CARMEN MANTILLA, individually and on behalf of all others similarly situated; CARMENCITA RODRIGUEZ, individually and on behalf of all others similarly situated; CAROLYN COLLINS, individually and on behalf of all others similarly situated; CESAR MORALES, individually and on behalf of all others similarly situated; CHERI LUMLEY, individually and on behalf of all others similarly situated; CHERYL HOWELL, individually and on behalf of all others similarly situated; CLINTON ALMEKINDER, individually and on behalf of all others similarly situated; DANA RIGGS, individually and on behalf of all others similarly situated; DANIEL HAMAMOTO, individually and on behalf of all others similarly situated; DAVID RODRIGUEZ, individually and on behalf of all others similarly situated;

Case No.

COMPLAINT FOR  
DAMAGES AND  
EQUITABLE RELIEF;  
PETITION FOR WRIT  
OF MANDATE

COMPLAINT AND PETITION

1 | situated; DAVIDA GREGORY, individually and on behalf of all others  
2 | similarly situated; DEBRA BROWN, individually and on behalf of all  
3 | others similarly situated; DEBRA HERNANDEZ, individually and on  
4 | behalf of all others similarly situated; DEBRA LINDSAY, individually  
5 | and on behalf of all others similarly situated; DEBRA MASTERSON,  
6 | individually and on behalf of all others similarly situated; DIANA  
7 | LAUE, individually and on behalf of all others similarly situated;  
8 | DORIS HARRIS, individually and on behalf of all others similarly  
9 | situated; DUSANKA BODJANAC, individually and on behalf of all  
10 | others similarly situated; ENOCH PAGE, individually and on behalf of  
11 | all others similarly situated; FABIAN YANEZ, individually and on  
12 | behalf of all others similarly situated; FLOY ANDERSON,  
13 | individually and on behalf of all others similarly situated; FRANCISCO  
14 | MONTES DE OCA, individually and on behalf of all others similarly  
15 | situated; FRANKIE WALTON, individually and on behalf of all others  
16 | similarly situated; GAUNETT LOVE, individually and on behalf of all  
17 | others similarly situated; GLENN HUDSON, individually and on  
18 | behalf of all others similarly situated; GLENN STANFORD,  
19 | individually and on behalf of all others similarly situated; GONZALO  
20 | MENDOZA and CECELIA MENDOZA, individually and on behalf of  
21 | all others similarly situated; GUADALUPE ESCOTO, individually and  
22 | on behalf of all others similarly situated; HELENE DAS, individually  
23 | and on behalf of all others similarly situated; HOLLY HENDRIX,  
24 | individually and on behalf of all others similarly situated; IRMA  
25 | LOPEZ, individually and on behalf of all others similarly situated;  
26 | JAGNA KOSAKOWSKI, individually and on behalf of all others  
27 | similarly situated; JAMES ZILLI, individually and on behalf of all  
28 | others similarly situated; JENNIFER TOY, individually and on behalf  
29 | of all others similarly situated; JOAN FOGEL, individually and on  
30 | behalf of all others similarly situated; JOAN GUSTAFSON,  
31 | individually and on behalf of all others similarly situated; JOHN DA  
32 | SILVA COLLACO, individually and on behalf of all others similarly  
situated; JONI O'BRIEN-BUNCH, individually and on behalf of all  
others similarly situated; JOSEPH DUZAC, individually and on behalf  
of all others similarly situated; JUAN LOPEZ, individually and on  
behalf of all others similarly situated; KANDI DUBRALL, individually  
and on behalf of all others similarly situated; KAREN PERSSON,  
individually and on behalf of all others similarly situated;  
KATHERINE STEVENSON, individually and on behalf of all others  
similarly situated; KEN BLASIUS and JANET BLASIUS, individually  
and on behalf of all others similarly situated; KLARA TOTH,  
individually and on behalf of all others similarly situated; LINDA  
HALL, individually and on behalf of all others similarly situated;  
LINDA JOHNSON, individually and on behalf of all others similarly  
situated; LISA GOODENOUGH, individually and on behalf of all  
others similarly situated; LUCY CARTAGENA, individually and on  
behalf of all others similarly situated; LUIS RAYON, individually and  
on behalf of all others similarly situated; LUZ URENA, individually

1 and on behalf of all others similarly situated; LYNN HEMUS,  
2 individually and on behalf of all others similarly situated; MANUEL  
3 BRICENO, individually and on behalf of all others similarly situated;  
4 MARGARET OZOR, individually and on behalf of all others similarly  
5 situated; MARIA DIPAOLO, individually and on behalf of all others  
6 similarly situated; MARIO BARRAGAN, individually and on behalf  
7 of all others similarly situated; MARK JOHNSON, individually and on  
8 behalf of all others similarly situated; MARVA BLAKE, individually  
9 and on behalf of all others similarly situated; MARY ALICE  
10 BENDELL, individually and on behalf of all others similarly situated;  
11 MARY SHOGREN, individually and on behalf of all others similarly  
12 situated; MICHAEL COOPER, individually and on behalf of all others  
13 similarly situated; MICHAEL PARRY, individually and on behalf of  
14 all others similarly situated; MICHELE DICKSTEIN, individually and  
15 on behalf of all others similarly situated; MICHELE SMITH,  
16 individually and on behalf of all others similarly situated; NANCY  
17 WALKER, individually and on behalf of all others similarly situated;  
18 NATALIE SANCHEZ, individually and on behalf of all others  
19 similarly situated; PAMELA DAVIS, individually and on behalf of all  
20 others similarly situated; PASHKO JUNCAJ, individually and on  
21 behalf of all others similarly situated; PATRICIA MCCAULEY,  
22 individually and on behalf of all others similarly situated; PATSY  
23 CALESA, individually and on behalf of all others similarly situated;  
24 PATTI CLOSE, individually and on behalf of all others similarly  
25 situated; PAUL BROWN, individually and on behalf of all others  
26 similarly situated; PAUL PERLAS, individually and on behalf of all  
27 others similarly situated; PHYLLIS GROSS, individually and on behalf  
28 of all others similarly situated; PHYLLIS SCOTT, individually and on  
29 behalf of all others similarly situated; RAMI PACHECO, individually  
30 and on behalf of all others similarly situated; RAVINDRA SINGH,  
31 individually and on behalf of all others similarly situated; RAYMOND  
32 CHRISTENSEN, individually and on behalf of all others similarly  
situated; REX RUFFIN, individually and on behalf of all others  
similarly situated; RICHARD SHERIDAN, individually and on behalf  
of all others similarly situated; RICHARD WILDER, individually and  
on behalf of all others similarly situated; RICK MURPHY, individually  
and on behalf of all others similarly situated; ROBERT ALEXANDER,  
individually and on behalf of all others similarly situated; ROBERT  
MOSEMAS, individually and on behalf of all others similarly situated;  
ROBERT REYNOSO, individually and on behalf of all others similarly  
situated; ROBERT VANDERUPWICH, individually and on behalf of  
all others similarly situated; ROBERTA HAINES, individually and on  
behalf of all others similarly situated; RODNEY TOPKOV,  
individually and on behalf of all others similarly situated; RON  
REGEHR, individually and on behalf of all others similarly situated;  
ROSE AQUILINA, individually and on behalf of all others similarly  
situated; RUTH CHERICO, individually and on behalf of all others  
similarly situated; SAKSIT LERDSUWANRUT, individually and on

1 behalf of all others similarly situated; SANG LUC, individually and on  
2 behalf of all others similarly situated; SHARON HEINEKE,  
3 individually and on behalf of all others similarly situated; SHERRY  
4 YETTER, individually and on behalf of all others similarly situated;  
5 STAN WEINSTEIN, individually and on behalf of all others similarly  
6 situated; STEPHEN PERRY, individually and on behalf of all others  
7 similarly situated; STEVEN SHIPE, individually and on behalf of all  
8 others similarly situated; SUSAN JOLLY, individually and on behalf  
9 of all others similarly situated; SUSAN WESTBROOK, individually  
10 and on behalf of all others similarly situated; SUSIE WILLIAMSON,  
11 individually and on behalf of all others similarly situated; TAJEET  
12 JUGMOHAN, individually and on behalf of all others similarly  
13 situated; TERESA CORONA, individually and on behalf of all others  
14 similarly situated; TERI PERKINS, individually and on behalf of all  
15 others similarly situated; THOMAS HUTCHINS, individually and on  
16 behalf of all others similarly situated; THOMAS WENDT, individually  
17 and on behalf of all others similarly situated; and, WILLIAM  
18 SPYRISON, individually and on behalf of all others similarly situated,

19  
20 Plaintiffs and Petitioners,

21  
22 vs.

23 CITY OF SANTA CLARA, ALAMEDA COUNTY WATER  
24 DISTRICT, CARLSBAD MUNICIPAL WATER DISTRICT,  
25 CITRUS HEIGHTS WATER DISTRICT, CITY OF ANAHEIM,  
26 CITY OF ANTIOCH, CITY OF BREA, CITY OF CHINO, CITY OF  
27 CLOVIS, CITY OF COMPTON, CITY OF CORONA, CITY OF  
28 DOWNEY, CITY OF ESCONDIDO, CITY OF FAIRFIELD, CITY  
29 OF FOUNTAIN VALLEY, CITY OF FRESNO, CITY OF  
30 FULLERTON, CITY OF GARDEN GROVE, CITY OF HAYWARD,  
31 CITY OF HEMET, CITY OF HESPERIA, CITY OF HUNTINGTON  
32 PARK, CITY OF LA HABRA, CITY OF LONG BEACH, CITY OF  
MADERA, CITY OF MODESTO, CITY OF NAPA, CITY OF  
NORWALK, CITY OF OCEANSIDE, CITY OF ONTARIO, CITY  
OF OXNARD, CITY OF PALMDALE, CITY OF PASADENA, CITY  
OF PETALUMA, CITY OF POMONA, CITY OF SACRAMENTO,  
CITY OF SAN BERNARDINO, CITY OF SAN DIEGO, CITY OF  
SAN FRANCISCO, CITY OF SAN JOSE, CITY OF SAN LUIS  
OBISPO, CITY OF SANTA CRUZ, CITY OF SANTA MONICA,  
CITY OF SANTA ROSA, CITY OF STOCKTON, CITY OF SUISUN,  
CITY OF TORRANCE, CITY OF TRACY, CITY OF TUSTIN, CITY  
OF VACAVILLE, CITY OF VALLEJO, CITY OF VENTURA, CITY  
OF VICTORVILLE, CITY OF WHITTIER, CITY OF WOODLAND,  
CONTRA COSTA WATER DISTRICT, CUCAMONGA VALLEY  
WATER DISTRICT, DESERT WATER AGENCY, EAST BAY  
MUNICIPAL UTILITY DISTRICT, EASTERN MUNICIPAL  
WATER DISTRICT, EL TORO WATER DISTRICT, ELSINORE  
VALLEY MUNICIPAL WATER DISTRICT, FALLBROOK  
PUBLIC UTILITY DISTRICT, GOLETA WATER DISTRICT,  
HELIIX WATER DISTRICT, IRVINE RANCH WATER DISTRICT,  
LAKESIDE WATER DISTRICT, LOS ANGELES COUNTY,

1 NEVADA IRRIGATION DISTRICT, OTAY WATER DISTRICT,  
2 PADRE DAM MUNICIPAL WATER DISTRICT, PALMDALE  
3 WATER DISTRICT, PLACER COUNTY WATER AGENCY,  
4 RAINBOW MUNICIPAL WATER DISTRICT, SACRAMENTO  
5 COUNTY WATER AGENCY, SANTA CLARITA VALLEY  
6 WATER AGENCY, VALLECITOS WATER DISTRICT, VALLEY  
7 CENTER MUNICIPAL WATER DISTRICT, VENTURA COUNTY  
8 WATERWORKS, VISTA IRRIGATION DISTRICT, and WALNUT  
9 VALLEY WATER DISTRICT, individually and all behalf of all others  
10 similarly situated,

11  
12 Defendants and Respondents, and,

13 SAN DIEGO COUNTY WATER AUTHORITY,

14 Respondent.  
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### **INTRODUCTION**

1. Today, consumers in California face far larger water bills than a decade ago. Public water providers make endless excuses in an attempt to justify their rates. Almost universally, however, their rates violate Proposition 218.

2. Proposition 218, approved by the voters in 1996, amended the California Constitution to prohibit government from imposing fees for property related services that exceed the cost of the service, unless the fees are approved by the voters. It also prohibited government, without voter approval, from imposing property related service fees for general governmental services that are available to the public at large in substantially the same manner they are available to property owners.

3. Water service is a property related service. Proposition 218 requires, therefore, that government charge customers no more than the cost of that service. Nonetheless, defendants charge customers more than the cost of service by, for instance, imposing on customers costs that are actually for general governmental services. Imposing overcharges on plaintiffs and members of the plaintiff classes does irreparable harm to their constitutional rights.

### **PARTIES**

#### **A. Defendants and Respondents**

4. Respondent San Diego County Water Authority is a government entity and a water wholesaler.

1           5.       The Retail Water Providers consist of all parties named both as a defendant and  
2 respondent and all members of respondent class. Each provides property related water services to  
3 Retail Water Customers. Retail Water Customers are customers, excluding governmental entities and  
4 water companies, of a Retail Water Provider.

5           **B.       Plaintiffs**

6           6.       Plaintiffs/petitioners (hereafter referred to as plaintiffs) identified in paragraphs 7  
7 through 87 are individuals.

8           7.       Helene Das is a Retail Water Customer of Alameda County Water District and brings  
9 action against that defendant.

10          8.       Floy Anderson is a Retail Water Customer of Carlsbad Municipal Water District and  
11 brings action against that defendant.

12          9.       Teri Perkins is a Retail Water Customer of Citrus Heights Water District and brings  
13 action against that defendant.

14          10.      Patricia McCauley is a Retail Water Customer of the City of Anaheim and brings  
15 action against that defendant.

16          11.      Brian Rojas and Rami Pacheco are Retail Water Customers of the City of Antioch and  
17 bring action against that defendant.

18          12.      John Da Silva Collaco is a Retail Water Customer of the City of Brea and brings action  
19 against that defendant.

20          13.      Michael Cooper is a Retail Water Customer of the City of Chino and brings action  
21 against that defendant.

22          14.      Debra Lindsay is a Retail Water Customer of the City of Clovis and brings action  
23 against that defendant.

24          15.      Annette Johnson is a Retail Water Customer of the City of Compton and brings action  
25 against that defendant.

26          16.      Doris Harris is a Retail Water Customer of the City of Corona and brings action against  
27 that defendant.

28          17.      Kandi Dubrall is a Retail Water Customer of the City of Downey and brings action  
29 against that defendant.

30          18.      Cheryl Howell is a Retail Water Customer of the City of Escondido and brings action  
31 against that defendant.  
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1           19.     Pamela Davis is a Retail Water Customer of the City of Fairfield and brings action  
2 against that defendant.

3           20.     Mary Alice Bendell is a Retail Water Customer of the City of Fountain Valley and  
4 brings action against that defendant.

5           21.     Betty Caster, Guadalupe Escoto and Susan Jolly are Retail Water Customers of the  
6 City of Fresno and bring action against that defendant.

7           22.     Carmencita Rodriguez is a Retail Water Customer of the City of Fullerton and brings  
8 action against that defendant.

9           23.     Frankie Walton and Ken and Janet Blasius are Retail Water Customers of the City of  
10 Garden Grove and bring action against that defendant.

11          24.     Ravindra Singh is a Retail Water Customer of the City of Hayward and brings action  
12 against that defendant.

13          25.     Robert Vanderupwich is a Retail Water Customer of the City of Hemet and brings  
14 action against that defendant.

15          26.     Paul Perlas is a Retail Water Customer of the City of Hesperia and brings action  
16 against that defendant.

17          27.     Diana Laue is a Retail Water Customer of the City of Huntington Park and brings  
18 action against that defendant.

19          28.     Daniel Hamamoto is a Retail Water Customer of the City of La Habra and brings  
20 action against that defendant.

21          29.     Joan Gustafson, Joni O'Brien-Bunch and Raymond Christensen are Retail Water  
22 Customers of the City of Long Beach and bring action against that defendant.

23          30.     Carmen Mantilla is a Retail Water Customer of the City of Madera and brings action  
24 against that defendant.

25          31.     Juan Lopez is a Retail Water Customer of the City of Modesto and brings action  
26 against that defendant.

27          32.     Thomas Wendt is a Retail Water Customer of the City of Napa and brings action  
28 against that defendant.

29          33.     Teresa Corona is a Retail Water Customer of the City of Norwalk and brings action  
30 against that defendant.  
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1           34.     Amanda Clark, Debra Hernandez, Diana Laue, James Zilli and Roberta Haines are  
2     Retail Water Customers of the City of Oceanside and bring action against that defendant.

3           35.     Debra Masterson is a Retail Water Customer of the City of Ontario and brings action  
4     against that defendant.

5           36.     Lucy Cartagena and William Spyrisson are Retail Water Customers of the City of  
6     Oxnard and bring action against that defendant.

7           37.     Irma Lopez is a Retail Water Customer of the City of Palmdale and brings action  
8     against that defendant.

9           38.     Natalie Sanchez is a Retail Water Customer of the City of Pasadena and brings action  
10    against that defendant.

11          39.     Phyllis Gross is a Retail Water Customer of the City of Petaluma and brings action  
12    against that defendant.

13          40.     Gonzalo and Cecelia Mendoza are Retail Water Customers of the City of Pomona and  
14    bring action against that defendant.

15          41.     Lisa Goodenough and Luis Rayon are Retail Water Customers of the City of  
16    Sacramento and bring action against that defendant.

17          42.     Manuel Briceno is a Retail Water Customer of the City of San Bernardino and brings  
18    action against that defendant.

19          43.     Blanca Brown, Mark Johnson and Michele Smith are Retail Water Customers of the  
20    City of San Diego and bring action against that defendant.

21          44.     Carolyn Collins, Jennifer Toy, Michele Dickstein, Richard Sheridan and Rose  
22    Aquilina are Retail Water Customers of the City of San Francisco and bring action against that  
23    defendant.

24          45.     Sang Luc is a Retail Water Customer of the City of San Jose and brings action against  
25    that defendant.

26          46.     Clinton Almekinder is a Retail Water Customer of the City of San Luis Obispo and  
27    brings action against that defendant.

28          47.     Joseph Duzac is a Retail Water Customer of the City of Santa Clara and brings action  
29    against that defendant.

30          48.     Debra Brown is a Retail Water Customer of the City of Santa Cruz and brings action  
31    against that defendant.  
32



1           49.     Ruth Cherico is a Retail Water Customer of the City of Santa Monica and brings action  
2 against that defendant.

3           50.     Linda Johnson and Robert Reynoso are Retail Water Customers of the City of Santa  
4 Rosa and bring action against that defendant.

5           51.     Robert Alexander is a Retail Water Customer of the City of Stockton and brings action  
6 against that defendant.

7           52.     Glenn Hudson is a Retail Water Customer of the City of Suisun and brings action  
8 against that defendant.

9           53.     David Rodriguez is a Retail Water Customer of the City of Torrance and brings action  
10 against that defendant.

11          54.     Luz Urena is a Retail Water Customer of the City of Tracy and brings action against  
12 that defendant.

13          55.     Mario Barragan is a Retail Water Customer of the City of Tustin and brings action  
14 against that defendant.

15          56.     Gaunett Love is a Retail Water Customer of the City of Vacaville and brings action  
16 against that defendant.

17          57.     Cesar Morales, Enoch Page and Marva Blake are Retail Water Customers of the City  
18 of Vallejo and bring action against that defendant.

19          58.     Holly Hendrix is a Retail Water Customer of the City of Ventura and brings action  
20 against that defendant.

21          59.     Katherine Stevenson is a Retail Water Customer of the City of Victorville and brings  
22 action that defendant.

23          60.     Pashko Juncaj is a Retail Water Customer of the City of Whittier and brings action  
24 against that defendant.

25          61.     Rick Murphy is a Retail Water Customer of the City of Woodland and brings action  
26 against that defendant.

27          62.     Dana Riggs is a Retail Water Customer of Contra Costa Water District and brings  
28 action against that defendant.

29          63.     Barbara Williams is a Retail Water Customer of Cucamonga Valley Water District  
30 and brings action against that defendant.  
31  
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1           64. Karen Persson is a Retail Water Customer of Desert Water Agency and brings action  
2 against that defendant.

3           65. Alvaro Mendoza, Fabian Yanez and Nancy Walker are Retail Water Customers of  
4 East Bay Municipal Utility District and bring action against that defendant.

5           66. Angelina Ayala, Klara Toth, Mary Shogren, Phyllis Scott, Rodney Topkov and Steven  
6 Shipe are Retail Water Customers of Eastern Municipal Water District and bring action against that  
7 defendant.

8           67. Anne Moell is a Retail Water Customer of El Toro Water District and brings action  
9 against that defendant.

10          68. Susan Westbrook is a Retail Water Customer of Elsinore Valley Municipal Water  
11 District and brings action against that defendant.

12          69. Belinda Maxwell, Dusanka Bodjanac, Margaret Ozor and Paul Brown are Retail Water  
13 Customers of Fallbrook Public Utility District and bring action against that defendant.

14          70. Joan Fogel is a Retail Water Customer of Goleta Water District and brings action  
15 against that defendant.

16          71. Bernard Safir and Sharon Heineke are Retail Water Customers of Helix Water District  
17 and bring action against that defendant.

18          72. Davida Gregory and Stan Weinstein are Retail Water Customers of Irvine Ranch  
19 Water District and bring action against that defendant.

20          73. Rex Ruffin is a Retail Water Customer of Lakeside Water District and brings action  
21 against that defendant.

22          74. Alberto Pinero, Brent Lister, C. Lynn Clark, Diana Laue, Linda Hall, Maria DiPaola  
23 and Patti Close are Retail Water Customers of Los Angeles County and bring action against that  
24 defendant.

25          75. Susie Williamson is a Retail Water Customer of Nevada Irrigation District and brings  
26 action against that defendant.

27          76. Francisco Montes de Oca is a Retail Water Customer of Otay Water District and brings  
28 action against that defendant.

29          77. Patsy Calesa is a Retail Water Customer of Padre Dam Municipal Water District and  
30 brings action against that defendant.  
31  
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1           78.     Glenn Stanford is a Retail Water Customer of Palmdale Water District and brings  
2 action against that defendant.

3           79.     Cheri Lumley and Lynn Hemus are Retail Water Customers of Placer County Water  
4 Agency and bring action against that defendant.

5           80.     Sherry Yetter is a Retail Water Customer of Rainbow Municipal Water District and  
6 brings action against that defendant.

7           81.     Jagna Kosakowski is a Retail Water Customer of Sacramento County Water Agency  
8 and brings action against that defendant.

9           82.     Tajeet Jugmohan is a Retail Water Customer of Santa Clarita Valley Water Agency  
10 and brings action against that defendant.

11          83.     Stephen Perry is a Retail Water Customer of Vallecitos Water District and brings  
12 action against that defendant.

13          84.     Robert Mosemas, Ron Regehr and Thomas Hutchins are Retail Water Customers of  
14 Valley Center Municipal Water District and bring action against that defendant.

15          85.     Andrea McCartney-Page and Bonnie Kessner are Retail Water Customers of Ventura  
16 County Waterworks and bring action against that defendant. The allegations of this paragraph are  
17 made on personal knowledge. All other matters in this pleading are stated on information and belief.

18          86.     Adrienne Madama-Stoddard, Carlos Warter, Michael Parry and Richard Wilder are  
19 Retail Water Customers of Vista Irrigation District and bring action against that defendant.

20          87.     Saksit Lerdsuwanrut is a Retail Water Customer of Walnut Valley Water District and  
21 brings action against that defendant.

22                   **CLASS ACTION ALLEGATIONS AS TO**  
23                   **THE RETAIL WATER CUSTOMER CLASSES**  
24

25          88.     Plaintiffs bring this action individually and on behalf of classes (the Retail Water  
26 Customer Classes) of similarly situated customers.

27          89.     Helene Das brings this action individually and on behalf of a class of all others  
28 similarly situated. The class consists of all Retail Water Customers of Alameda County Water  
29 District.  
30  
31  
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1           90. Floy Anderson brings this action individually and on behalf of a class of all others  
2 similarly situated. The class consists of all Retail Water Customers of Carlsbad Municipal Water  
3 District.

4           91. Teri Perkins brings this action individually and on behalf of a class of all others  
5 similarly situated. The class consists of all Retail Water Customers of Citrus Heights Water District.

6           92. Patricia McCauley brings this action individually and on behalf of a class of all others  
7 similarly situated. The class consists of all Retail Water Customers of the City of Anaheim.

8           93. Brian Rojas and Rami Pacheco bring this action individually and on behalf of a class  
9 of all others similarly situated. The class consists of all Retail Water Customers of the City of Antioch.

10          94. John Da Silva Collaco brings this action individually and on behalf of a class of all  
11 others similarly situated. The class consists of all Retail Water Customers of the City of Brea.

12          95. Michael Cooper brings this action individually and on behalf of a class of all others  
13 similarly situated. The class consists of all Retail Water Customers of the City of Chino.

14          96. Debra Lindsay brings this action individually and on behalf of a class of all others  
15 similarly situated. The class consists of all Retail Water Customers of the City of Clovis.

16          97. Annette Johnson brings this action individually and on behalf of a class of all others  
17 similarly situated. The class consists of all Retail Water Customers of the City of Compton.

18          98. Doris Harris brings this action individually and on behalf of a class of all others  
19 similarly situated. The class consists of all Retail Water Customers of the City of Corona.

20          99. Kandi Dubrall brings this action individually and on behalf of a class of all others  
21 similarly situated. The class consists of all Retail Water Customers of the City of Downey.

22          100. Cheryl Howell brings this action individually and on behalf of a class of all others  
23 similarly situated. The class consists of all Retail Water Customers of the City of Escondido.

24          101. Pamela Davis brings this action individually and on behalf of a class of all others  
25 similarly situated. The class consists of all Retail Water Customers of the City of Fairfield.

26          102. Mary Alice Bendell brings this action individually and on behalf of a class of all others  
27 similarly situated. The class consists of all Retail Water Customers of the City of Fountain Valley.

28          103. Betty Caster, Guadalupe Escoto and Susan Jolly bring this action individually and on  
29 behalf of a class of all others similarly situated. The class consists of all Retail Water Customers of  
30 the City of Fresno.  
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1           104. Carmencita Rodriguez brings this action individually and on behalf of a class of all  
2 others similarly situated. The class consists of all Retail Water Customers of the City of Fullerton.

3           105. Frankie Walton and Ken and Janet Blasius bring this action individually and on behalf  
4 of a class of all others similarly situated. The class consists of all Retail Water Customers of the City  
5 of Garden Grove.

6           106. Ravindra Singh brings this action individually and on behalf of a class of all others  
7 similarly situated. The class consists of all Retail Water Customers of the City of Hayward.

8           107. Robert Vanderupwich brings this action individually and on behalf of a class of all  
9 others similarly situated. The class consists of all Retail Water Customers of the City of Hemet.

10          108. Paul Perlas brings this action individually and on behalf of a class of all others  
11 similarly situated. The class consists of all Retail Water Customers of the City of Hesperia.

12          109. Diana Laue brings this action individually and on behalf of a class of all others  
13 similarly situated. The class consists of all Retail Water Customers of the City of Huntington Park.

14          110. Daniel Hamamoto brings this action individually and on behalf of a class of all others  
15 similarly situated. The class consists of all Retail Water Customers of the City of La Habra.

16          111. Joan Gustafson, Joni O'Brien-Bunch and Raymond Christensen bring this action  
17 individually and on behalf of a class of all others similarly situated. The class consists of all Retail  
18 Water Customers of the City of Long Beach.

19          112. Carmen Mantilla brings this action individually and on behalf of a class of all others  
20 similarly situated. The class consists of all Retail Water Customers of the City of Madera.

21          113. Juan Lopez brings this action individually and on behalf of a class of all others  
22 similarly situated. The class consists of all Retail Water Customers of the City of Modesto.

23          114. Thomas Wendt brings this action individually and on behalf of a class of all others  
24 similarly situated. The class consists of all Retail Water Customers of the City of Napa.

25          115. Teresa Corona brings this action individually and on behalf of a class of all others  
26 similarly situated. The class consists of all Retail Water Customers of the City of Norwalk.

27          116. Amanda Clark, Debra Hernandez, Diana Laue, James Zilli and Roberta Haines bring  
28 this action individually and on behalf of a class of all others similarly situated. The class consists of  
29 all Retail Water Customers of the City of Oceanside.

30          117. Debra Masterson brings this action individually and on behalf of a class of all others  
31 similarly situated. The class consists of all Retail Water Customers of the City of Ontario.  
32

1           118. Lucy Cartagena and William Spyrisson bring this action individually and on behalf of  
2 a class of all others similarly situated. The class consists of all Retail Water Customers of the City of  
3 Oxnard.

4           119. Irma Lopez brings this action individually and on behalf of a class of all others  
5 similarly situated. The class consists of all Retail Water Customers of the City of Palmdale.

6           120. Natalie Sanchez brings this action individually and on behalf of a class of all others  
7 similarly situated. The class consists of all Retail Water Customers of the City of Pasadena.

8           121. Phyllis Gross brings this action individually and on behalf of a class of all others  
9 similarly situated. The class consists of all Retail Water Customers of the City of Petaluma.

10           122. Gonzalo and Cecelia Mendoza bring this action individually and on behalf of a class  
11 of all others similarly situated. The class consists of all Retail Water Customers of the City of Pomona.

12           123. Lisa Goodenough and Luis Rayon bring this action individually and on behalf of a  
13 class of all others similarly situated. The class consists of all Retail Water Customers of the City of  
14 Sacramento.

15           124. Manuel Briceno brings this action individually and on behalf of a class of all others  
16 similarly situated. The class consists of all Retail Water Customers of the City of San Bernardino.

17           125. Blanca Brown, Mark Johnson and Michele Smith bring this action individually and on  
18 behalf of a class of all others similarly situated. The class consists of all Retail Water Customers of  
19 the City of San Diego.

20           126. Carolyn Collins, Jennifer Toy, Michele Dickstein, Richard Sheridan and Rose  
21 Aquilina bring this action individually and on behalf of a class of all others similarly situated. The  
22 class consists of all Retail Water Customers of the City of San Francisco.

23           127. Sang Luc brings this action individually and on behalf of a class of all others similarly  
24 situated. The class consists of all Retail Water Customers of the City of San Jose.

25           128. Clinton Almekinder brings this action individually and on behalf of a class of all others  
26 similarly situated. The class consists of all Retail Water Customers of the City of San Luis Obispo.

27           129. Joseph Duzac brings this action individually and on behalf of a class of all others  
28 similarly situated. The class consists of all Retail Water Customers of the City of Santa Clara.

29           130. Debra Brown brings this action individually and on behalf of a class of all others  
30 similarly situated. The class consists of all Retail Water Customers of the City of Santa Cruz.  
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1 131. Ruth Cherico brings this action individually and on behalf of a class of all others  
2 similarly situated. The class consists of all Retail Water Customers of the City of Santa Monica.

3 132. Linda Johnson and Robert Reynoso bring this action individually and on behalf of a  
4 class of all others similarly situated. The class consists of all Retail Water Customers of the City of  
5 Santa Rosa.

6 133. Robert Alexander brings this action individually and on behalf of a class of all others  
7 similarly situated. The class consists of all Retail Water Customers of the City of Stockton.

8 134. Glenn Hudson brings this action individually and on behalf of a class of all others  
9 similarly situated. The class consists of all Retail Water Customers of the City of Suisun.

10 135. David Rodriguez brings this action individually and on behalf of a class of all others  
11 similarly situated. The class consists of all Retail Water Customers of the City of Torrance.

12 136. Luz Urena brings this action individually and on behalf of a class of all others similarly  
13 situated. The class consists of all Retail Water Customers of the City of Tracy.

14 137. Mario Barragan brings this action individually and on behalf of a class of all others  
15 similarly situated. The class consists of all Retail Water Customers of the City of Tustin.

16 138. Gaunett Love brings this action individually and on behalf of a class of all others  
17 similarly situated. The class consists of all Retail Water Customers of the City of Vacaville.

18 139. Cesar Morales, Enoch Page and Marva Blake bring this action individually and on  
19 behalf of a class of all others similarly situated. The class consists of all Retail Water Customers of  
20 the City of Vallejo.

21 140. Holly Hendrix brings this action individually and on behalf of a class of all others  
22 similarly situated. The class consists of all Retail Water Customers of the City of Ventura.

23 141. Katherine Stevenson brings this action individually and on behalf of a class of all  
24 others similarly situated. The class consists of all Retail Water Customers of the City of Victorville.

25 142. Pashko Juncaj brings this action individually and on behalf of a class of all others  
26 similarly situated. The class consists of all Retail Water Customers of the City of Whittier.

27 143. Rick Murphy brings this action individually and on behalf of a class of all others  
28 similarly situated. The class consists of all Retail Water Customers of the City of Woodland.

29 144. Dana Riggs brings this action individually and on behalf of a class of all others  
30 similarly situated. The class consists of all Retail Water Customers of Contra Costa Water District.  
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1           145. Barbara Williams brings this action individually and on behalf of a class of all others  
2 similarly situated. The class consists of all Retail Water Customers of Cucamonga Valley Water  
3 District.

4           146. Karen Persson brings this action individually and on behalf of a class of all others  
5 similarly situated. The class consists of all Retail Water Customers of Desert Water Agency.

6           147. Alvaro Mendoza, Fabian Yanez and Nancy Walker bring this action individually and  
7 on behalf of a class of all others similarly situated. The class consists of all Retail Water Customers  
8 of East Bay Municipal Utility District.

9           148. Angelina Ayala, Klara Toth, Mary Shogren, Phyllis Scott, Rodney Topkov and Steven  
10 Shipe bring this action individually and on behalf of a class of all others similarly situated. The class  
11 consists of all Retail Water Customers of Eastern Municipal Water District.

12           149. Anne Moell brings this action individually and on behalf of a class of all others  
13 similarly situated. The class consists of all Retail Water Customers of El Toro Water District.

14           150. Susan Westbrook brings this action individually and on behalf of a class of all others  
15 similarly situated. The class consists of all Retail Water Customers of Elsinore Valley Municipal  
16 Water District.

17           151. Belinda Maxwell, Dusanka Bodjanac, Margaret Ozor and Paul Brown bring this action  
18 individually and on behalf of a class of all others similarly situated. The class consists of all Retail  
19 Water Customers of Fallbrook Public Utility District.

20           152. Joan Fogel brings this action individually and on behalf of a class of all others similarly  
21 situated. The class consists of all Retail Water Customers of Goleta Water District.

22           153. Bernard Safir and Sharon Heineke bring this action individually and on behalf of a  
23 class of all others similarly situated. The class consists of all Retail Water Customers of Helix Water  
24 District.

25           154. Davida Gregory and Stan Weinstein bring this action individually and on behalf of a  
26 class of all others similarly situated. The class consists of all Retail Water Customers of Irvine Ranch  
27 Water District.

28           155. Rex Ruffin brings this action individually and on behalf of a class of all others  
29 similarly situated. The class consists of all Retail Water Customers of Lakeside Water District.  
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1           156. Alberto Pinero, Brent Lister, C. Lynn Clark, Diana Laue, Linda Hall, Maria DiPaola  
2 and Patti Close bring this action individually and on behalf of a class of all others similarly situated.  
3 The class consists of all Retail Water Customers of Los Angeles County.

4           157. Susie Williamson brings this action individually and on behalf of a class of all others  
5 similarly situated. The class consists of all Retail Water Customers of Nevada Irrigation District.

6           158. Francisco Montes de Oca brings this action individually and on behalf of a class of all  
7 others similarly situated. The class consists of all Retail Water Customers of Otay Water District.

8           159. Patsy Calesa brings this action individually and on behalf of a class of all others  
9 similarly situated. The class consists of all Retail Water Customers of Padre Dam Municipal Water  
10 District.

11           160. Glenn Stanford brings this action individually and on behalf of a class of all others  
12 similarly situated. The class consists of all Retail Water Customers of Palmdale Water District.

13           161. Cheri Lumley and Lynn Hemus bring this action individually and on behalf of a class  
14 of all others similarly situated. The class consists of all Retail Water Customers of Placer County  
15 Water Agency.

16           162. Sherry Yetter brings this action individually and on behalf of a class of all others  
17 similarly situated. The class consists of all Retail Water Customers of Rainbow Municipal Water  
18 District.

19           163. Jagna Kosakowski brings this action individually and on behalf of a class of all others  
20 similarly situated. The class consists of all Retail Water Customers of Sacramento County Water  
21 Agency.

22           164. Tajeet Jugmohan brings this action individually and on behalf of a class of all others  
23 similarly situated. The class consists of all Retail Water Customers of Santa Clarita Valley Water  
24 Agency.

25           165. Stephen Perry brings this action individually and on behalf of a class of all others  
26 similarly situated. The class consists of all Retail Water Customers of Vallecitos Water District.

27           166. Robert Mosemas, Ron Regehr and Thomas Hutchins bring this action individually and  
28 on behalf of a class of all others similarly situated. The class consists of all Retail Water Customers  
29 of Valley Center Municipal Water District.  
30  
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1 167. Andrea McCartney-Page and Bonnie Kessner bring this action individually and on  
2 behalf of a class of all others similarly situated. The class consists of all Retail Water Customers of  
3 Ventura County Waterworks.

4 168. Adrienne Madama-Stoddard, Carlos Warter, Michael Parry and Richard Wilder bring  
5 this action individually and on behalf of a class of all others similarly situated. The class consists of  
6 all Retail Water Customers of Vista Irrigation District.

7 169. Saksit Lerdsuwanrut brings this action individually and on behalf of a class of all  
8 others similarly situated. The class consists of all Retail Water Customers of Walnut Valley Water  
9 District.

10 170. Each plaintiff is a member of the Retail Water Customer Class on whose behalf that  
11 plaintiff brings action.

12 171. The claims and defenses of class representatives are typical of classes they seek to  
13 represent.

14 172. The Retail Water Customer Classes are ascertainable and each has thousands of  
15 members.

16 173. Resolution of the claims alleged in this pleading through class action proceedings is  
17 superior to any alternative.

18 174. Within each class, common issues predominate. Those common issues include  
19 whether the defendant Retail Water Provider unlawfully reallocated costs of service to its Retail  
20 Water Customers, and the amount of unlawfully reallocated costs.

21 175. The class representatives will adequately represent each Retail Water Customer Class.  
22 They are represented by competent, experienced counsel who will vigorously advocate for the  
23 interests of the plaintiff classes.

24  
25 **NATURE OF CLAIMS**

26 176. The Retail Water Providers unlawfully set water rates for Retail Water Customers that  
27 exceed the cost of service (the Unlawful Retail Water Customer Rates).

28 177. For example, the Unlawful Retail Water Customer Rates subsidize water service  
29 provided to the government and for general governmental services (the Subsidized Government  
30 Water Service) including subsidized public fire hydrant service.  
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1 178. By way of further example, the Unlawful Retail Water Customer Rates fund and subsidize  
2 SAWR rates provided by the SAWR defendants. SAWR retail rates are below-cost special  
3 agricultural/irrigation water rates that the SAWR defendants provide to subsidize certain retail accounts  
4 (the Subsidized Retail Accounts).

5 179. The SAWR defendants are the City of La Habra, the City of Napa, the City of Oxnard, the  
6 City of San Luis Obispo, the City of Santa Cruz, the City of Santa Rosa, the City of Tustin, the City of  
7 Vallejo, the City of Ventura, Cucamonga Valley Water District, Elsinore Valley Municipal Water District,  
8 Goleta Water District, and Ventura County Waterworks, as well as the San Diego County SAWR  
9 defendants consisting of the City of Escondido, the City of Oceanside, Fallbrook Public Utility District,  
10 Helix Water District, Lakeside Water District, Otay Water District, Padre Dam Municipal Water District,  
11 Rainbow Municipal Water District, Vallecitos Water District, Valley Center Municipal Water District,  
12 and Vista Irrigation District.

13 180. Each San Diego County SAWR defendant has a representative who sits on the governing  
14 board of respondent San Diego County Water Authority, a regional water wholesaler. The San Diego  
15 County SAWR defendants cause San Diego County Water Authority to maintain a subsidized wholesale  
16 water rate that the San Diego County SAWR defendants pass on to the Subsidized Retail Accounts.

17 **CLASS ACTION ALLEGATIONS AS TO**  
18 **THE RESPONDENT CLASS**

19 181. Bonnie Kessner and Andrea McCartney-Page bring this action on behalf of the general  
20 public against a respondent class (the Respondent Class) consisting of all governmental entities that  
21 provide Subsidized Government Water Service without having obtained voter approval of their rates.

22 182. The class representatives for the Respondent Class shall consist of the defendant Retail  
23 Water Providers.

24 183. The Respondent Class is ascertainable and has hundreds of members.

25 184. Resolution of claims through this respondent class action is superior to any alternative.

26 185. Common issues predominate. Each class member is a governmental entity. The  
27 primary issue with respect to each member of the Respondent Class is whether the California  
28 Constitution prohibits reallocation to Retail Water Customers of Subsidized Government Water  
29 Service.  
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1 186. The class representatives will adequately represent the Respondent Class. They will  
2 be represented by competent, experienced counsel who will vigorously advocate for the interests of  
3 the class.

4 187. The defenses of the class representatives are typical of the classes they will represent.

5 **ABSENCE OF ADMINISTRATIVE REMEDIES**

6  
7 188. The unlawful water rates alleged in this action were set by the governing boards of the  
8 Retail Water Providers. There are no available administrative remedies and any attempt to rely on an  
9 administrative remedy would be futile.

10 **DENIAL OF TORT CLAIMS ACT CLAIMS**

11 189. On or after October 15, 2019, each plaintiff filed a Tort Claims Act claim with the Retail  
12 Water Provider or Retail Water Providers responsible for providing water service to that plaintiff and the  
13 class or classes plaintiff represents. Each claim was filed on behalf of the individual plaintiff and the class  
14 that plaintiff seeks to represent. Each of the claims filed with the various Retail Water Providers complied  
15 with all of the requirements of the Tort Claims Act. The claims sought recovery for the matters alleged in  
16 this pleading. On or before February 15, 2020, the Retail Water Providers denied or otherwise rejected  
17 the Tort Claims Act claims filed with them. Plaintiffs have fulfilled all Tort Claims Act prerequisites to  
18 filing this action on behalf of themselves and the plaintiff classes.

19 **FIRST CAUSE OF ACTION**

20 **MANDAMUS**

21 **BY ALL PLAINTIFFS**

22 **INDIVIDUALLY AND ON BEHALF OF THE PLAINTIFF CLASSES**

23 **AND ON BEHALF OF THE GENERAL PUBLIC**

24 **AGAINST THE RETAIL WATER PROVIDERS**

25  
26 190. The allegations of the first 189 paragraphs of this pleading are incorporated by reference.

27 191. Each Retail Water Provider violates a clear, present, mandatory duty to set water rates  
28 consistent with Proposition 218 that do not exceed the cost of service.

29 192. Bonnie Kessner and Andrea McCartney-Page, on behalf of the general public, bring  
30 this cause of action against the Retail Water Providers, including the Respondent Class, and San  
31 Diego County Water Authority.  
32

1           193. Petitioners Bonnie Kessner and Andrea McCartney-Page are interested as citizens in  
2 having the laws executed and enforcing the duty of water providers to adopt rates consistent with  
3 Proposition 218. The right of the public to rates that do not exceed the cost of service is an important  
4 public right and the duty not to impose rates that exceed the cost of service is an important, mandatory  
5 public duty. The purpose of the mandamus claims of Bonnie Kessner and Andrea McCartney-Page  
6 is to safeguard that right and to procure enforcement of that public duty.

7           194. Each plaintiff, including Bonnie Kessner and Andrea McCartney-Page, brings this  
8 cause of action individually and on behalf of the class or classes he or she represents against the  
9 named Retail Water Provider or Retail Water Providers responsible for providing service to that  
10 plaintiff and the class or classes that plaintiff represents. Each plaintiff and each class member has a  
11 clear, present, and beneficial interest in enforcing the mandatory duty of that Retail Water Provider  
12 or those Retail Water Providers not to impose rates that exceed the cost of service.

13           195. The San Diego County SAWR defendants violate a clear, present, mandatory duty not  
14 to circumvent Proposition 218 by causing San Diego County Water Authority to maintain a subsidized  
15 wholesale water rate that the San Diego County SAWR defendants pass on to the Subsidized Retail  
16 Accounts. San Diego County Water Authority violates a clear, present, mandatory duty not to  
17 participate in any scheme to circumvent Proposition 218.

18           196. The violations of law alleged in this pleading will continue until the Retail Water  
19 Providers and San Diego County Water Authority are ordered by this Court to stop violating the law.  
20 There is no plain, speedy, or adequate alternative to mandamus relief.

21           197. Plaintiffs, on behalf of themselves and the classes they represent, seek an accounting,  
22 declaratory relief, injunctive relief, and a writ of mandate against the Retail Water Providers and San  
23 Diego County Water Authority together with such other relief as may be appropriate. Plaintiffs  
24 Bonnie Kessner and Andrea McCartney-Page also seek that same relief on behalf of the general  
25 public.  
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1                                   **SECOND CAUSE OF ACTION**  
2                                   **FOR DAMAGES AND OTHER RELIEF**  
3                                   **VIOLATION OF CONSTITUTIONAL RIGHTS**  
4                                   **BY ALL PLAINTIFFS**  
5                                   **INDIVIDUALLY AND ON BEHALF OF THE PLAINTIFF CLASSES**  
6                                   **AGAINST THE RETAIL WATER PROVIDERS**

7           198.    The allegations of the first 189 paragraphs of this pleading are incorporated by reference.

8           199.    This cause of action is brought by all plaintiffs, individually and on behalf of the  
9           classes they represent.

10          200.    Each plaintiff brings this cause of action individually and on behalf of the class or  
11          classes he or she represents against the named Retail Water Provider or Retail Water Providers  
12          responsible for providing service to that plaintiff and the class or classes that plaintiff represents.

13          201.    The Retail Water Providers have damaged and are damaging each plaintiff and each  
14          member of the plaintiff classes by charging more than the cost of service for water service, in violation  
15          of the California Constitution. The violations will continue unless enjoined.

16          202.    Plaintiffs, on behalf of themselves and the classes they represent, seek damages, an  
17          accounting, declaratory relief, and injunctive relief together with such other relief as may be  
18          appropriate.

19                                   **THIRD CAUSE OF ACTION**  
20                                   **ENJOINING ILLEGAL EXPENDITURES**  
21                                   **CODE OF CIVIL PROCEDURE SECTION 526a**  
22                                   **BY ALL PLAINTIFFS**  
23                                   **INDIVIDUALLY AND ON BEHALF OF THE PLAINTIFF CLASSES**  
24                                   **AGAINST ALL RETAIL WATER PROVIDERS**

25          203.    The allegations of the first 189 paragraphs of this pleading are incorporated by reference.

26          204.    This cause of action is brought by all plaintiffs. Each plaintiff brings this cause of action  
27          individually and on behalf of the class or classes he or she represents against the named Retail Water  
28          Provider or Retail Water Providers responsible for providing service to that plaintiff and the class or  
29          classes that plaintiff represents. Each plaintiff pays tax to the city, county, or district against which  
30          31          32

1 that plaintiff brings action. Each plaintiff resides in at least one of the cities, counties, or districts  
2 against which that plaintiff brings action.

3 205. The Retail Water Providers violate Code of Civil Procedure section 526a by illegally  
4 obtaining money from the Retail Water Customers and illegally spending that money to subsidize  
5 other water service. The Retail Water Providers will continue to engage in these illegal activities until  
6 ordered to do otherwise by the Court.

7 206. Plaintiffs, on behalf of themselves and the classes they represent, seek damages, an  
8 accounting, declaratory relief, and injunctive relief together with such other relief as may be  
9 appropriate.

10 Plaintiffs ask for:

- 11 1. Damages for themselves and the plaintiff classes,
- 12 2. An accounting,
- 13 3. Declaratory relief,
- 14 4. Injunctive relief,
- 15 5. Mandamus relief,
- 16 6. Interest, costs and attorney fees, and
- 17 7. Such other relief as may be appropriate.

18 Date: February 17, 2020

19  
20 DRISCOLL & OMENS

21 By: Donald Driscoll  
22 Donald P. Driscoll  
23 Adryane R. Omens  
24 Attorneys for Plaintiffs and  
25 the putative Plaintiff Classes  
26  
27  
28  
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32

1 VERIFICATION

2 I, Andrea McCartney-Page, have read the attached pleading. I know the allegations of the  
3 pleading to be true of my own knowledge except as to those matters stated on information or belief,  
4 and, as to those matters, I believe them to be true.

5 I declare under penalty of perjury that the foregoing is true and correct.

6  
7 Dated: Feb 17 2020

8  
9 Signed:

Andrea McCartney-Page  
Andrea-McCartney-Page