

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL**

**MINUTE ORDER**

DATE: 08/02/2019

TIME: 09:00:00 AM

DEPT: C-67

JUDICIAL OFFICER PRESIDING: Eddie C Sturgeon

CLERK: Patricia Ashworth

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: M. Micone

CASE NO: **37-2015-00400000-CU-MC-CTL** CASE INIT.DATE: 07/14/2015

CASE TITLE: **Coziahr vs Otay Water District [E-FILE]**

CASE CATEGORY: Civil - Unlimited      CASE TYPE: Misc Complaints - Other

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**EVENT TYPE:** Motion Hearing (Civil)

**MOVING PARTY:** Mark Coziahr

**CAUSAL DOCUMENT/DATE FILED:** Motion to Certify Class, 07/05/2019

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**APPEARANCES**

Andre M Mura, counsel, present for Plaintiff(s) telephonically.

Jack M. Sleeth, specially appearing for counsel Daniel R Shinoff, present for Defendant(s).

Attorney Scott D. Levine is present on behalf of Plaintiff(s).

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The Court confirms the tentative ruling as follows:

**TENTATIVE RULING**

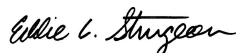
Plaintiff Mark Coziahr's motion for class certification is granted. The class shall be defined as "All single-family residential customers of the Otay Water District who received water service after a date to be determined by the San Diego Superior Court based upon the applicable limitations period."

Defendant Otay Water District failed to challenge that there is a well-defined community of interest, typicality, adequate representation, or that the class action is superior to individual suits. Instead, defendant raised the issue of the statute of limitations within the class certification motion. The court finds this issue should be brought outside the certification motion. (See, *Linder v. Thrifty Oil Co.* (2000) 23 Cal.4th 429, 440–441, as modified (Aug. 9, 2000).)

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Defendant's Motion to Set Statutory Limitation is set for 09/20/2019 at 1:30 p.m. All papers are to be file pursuant to code.

Trial continuance to be discussed on 09/20/2019.



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Judge Eddie C Sturgeon