

**ELECTRONICALLY FILED**

Superior Court of California,  
County of San Diego

**09/10/2019** at 11:57:00 AM

Clerk of the Superior Court  
By Jessica Pascual, Deputy Clerk

**SCOTT D. LEVINE, APC**  
Scott D. Levine (SBN: 153140)  
12707 High Bluff Drive, Suite 200, San Diego, CA 92130  
Telephone: (858) 336-7326  
scott@scottlevinelaw.com

**GIBBS LAW GROUP, LLP**  
Eric H. Gibbs (SBN: 178658)  
Andre M. Mura (SBN: 298541)  
Steven M. Tindall (SBN 187862)  
505 14th Street, Suite 1110, Oakland, CA 94612  
Telephone: (510) 350-9710; Fax: (510) 350-9701  
ehg@classlawgroup.com  
amm@classlawgroup.com  
smt@classlawgroup.com

*Attorneys for Plaintiff*

**ARTIANO SHINOFF**  
Daniel R. Shinoff, Esq. (SBN 99129)  
dshinoff@as7law.com  
Jeanne Blumenfeld, Esq. (SBN 157441)  
jblumenfeld@as7law.com  
Jack M. Sleeth, Jr., Esq. (SBN 108638)  
jsleeth@as7law.com  
2488 Historic Decatur Road, Suite 200  
San Diego, California 92106  
Telephone: 619-232-3122  
Facsimile: 619-232-3264

*Attorneys for Defendant*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

MARK COZIAHR, on behalf of himself and all  
others similarly situated,

PLAINTIFF,

vs.

OTAY WATER DISTRICT; and DOES 1 through  
200, inclusive,

DEFENDANTS.

Case No. 37-2015-00400000-CU-MC-CTL  
CLASS ACTION

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING THE STATUTE OF  
LIMITATIONS**

DEPT: C-67  
JUDGE: Hon. Eddie C. Sturgeon  
Complaint Filed: July 14, 2015  
Trial Date: November 1, 2019

HEARING DATE: September 20, 2019  
Time: 1:30 p.m.

///

1 Plaintiff Mark Coziah and Defendant Otay Water District, through their respective counsel,  
2 hereby enter into the following stipulation:

3 WHEREAS, by Order of August 1, 2019, the Court granted Plaintiff's class certification  
4 motion, defining the Class as "All single-family residential customers of the Otay Water District who  
5 received water service after a date to be determined by the San Diego Superior Court based upon the  
6 applicable limitations period";

7 WHEREAS, Defendant filed a motion to determine the statute of limitations for class  
8 certification, with a hearing date scheduled for September 20, 2019;

9 WHEREAS, the parties have met and conferred and have agreed upon the appropriate statute of  
10 limitations to propose to the Court,

11 NOW THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

12 1. The statute of limitations applicable to this action shall be one year prior to the filing  
13 date of the case, which the parties previously stipulated was July 14, 2015;

14 2. The Class in this case shall be defined as follows: "All single-family residential  
15 customers of the Otay Water District who received water service after July 14, 2014";

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3. Defendant's motion scheduled for September 20, 2019 shall be taken off calendar;

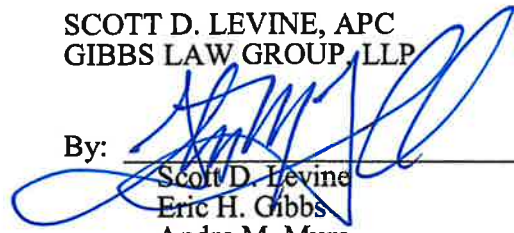
4. No later than ten days after the Court enters the proposed Order accompanying this stipulation, the Parties are to meet and confer on a proposed form of notice to be sent to the Class and submit the proposed notice to the Court.

Stipulated and agreed to this 9th day of September, 2019

Dated: September 9, 2019

SCOTT D. LEVINE, APC  
GIBBS LAW GROUP, LLP

By: \_\_\_\_\_

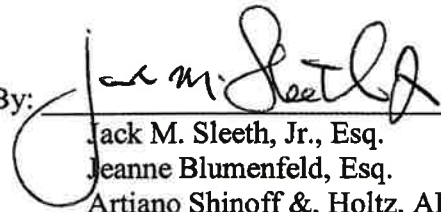


Scott D. Levine  
Eric H. Gibbs  
Andre M. Mura  
Steven M. Tindall, Attorney for Plaintiff  
MARK COZIAHR and the Class

Date: September 9, 2019

ARTIANO SHINOFF ABED BLUMENFELD  
CARELLI SLEETH & WADE, APC

By: \_\_\_\_\_



Jack M. Sleeth, Jr., Esq.  
Jeanne Blumenfeld, Esq.  
Artiano Shinoff &, Holtz, APC  
2488 Historic Decatur Road, Ste 200  
San Diego, CA 92106  
*Attorneys for Defendants*  
*Otay Water District*

1 **~~PROPOSED~~ ORDER**

2 The parties to this matter have submitted a joint stipulation in this case relating to the statute  
3 of limitations applicable to this action. In light of the parties' stipulation, and good cause appearing  
4 therefor, the Court ORDERS as follows:

5 1. The statute of limitations applicable to this action shall be one year prior to the filing  
6 date of the case, which was July 14, 2015;

7 2. The Class in this case shall be defined as follows: "All single-family residential  
8 customers of the Otay Water District who received water service after July 14, 2014;

9 3. Defendants' motion scheduled for September 20, 2019 shall be taken off calendar;

10 4. No later than ten days after the date of this Order, the Parties shall meet and confer on a  
11 proposed form of notice to be sent to the Class and submit the proposed notice to the Court.

12 IT IS SO ORDERED.

13 Date: 9-16-19



14 \_\_\_\_\_  
15 Hon. Eddie C. Sturgeon  
16 Superior Court Judge  
17 Judge Eddie C Sturgeon

1 **PROOF OF SERVICE**

2 I am employed in the county of Alameda, State of California. I am over the age of 18  
3 and not a party to the within action. My business address is: 505 14th Street, Suite 1110,  
4 Oakland, California 94612.

5 On September 10, 2019 I served a copy of the foregoing documents described as follows:

- 6
- 7 • **JONT STIPULATION AND [PROPOSED] ORDER REGARDING THE  
8 STATUTE OF LIMITATIONS**

9 on the following interested party(ies) in this action:

10 **Attorneys for Defendant Otay Water**

11 **District:**

11 Jack M. Sleeth, Jr.  
12 Jeanne Blumenfeld  
13 Artiano Shinoff & Holtz, APC  
14 2488 Historic Decatur Road, #200  
15 San Diego, CA 92106  
16 EM: [jsleeth@as7law.com](mailto:jsleeth@as7law.com)  
17 T: 619-232-3122


18  BY MAIL: by placing the document(s) listed above for collection and mailing following  
19 the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for  
20 deposit in the United States mail at Oakland, California addressed as set forth above.

21  BY ELECTRONIC SERVICE: by submitting an electronic version of the documents(s)  
22 listed above to OneLegal through the user interface at [www.onlegal.com](http://www.onlegal.com).

23  BY EMAIL: by electronically transmitting a PDF version of above listed documents to  
24 the email addresses set forth above on this date.

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

27 Executed on September 10, 2019 at Oakland, California.

28   
29 Carmen Lawson