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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**01/30/2020** at 05:13:00 PM  
Clerk of the Superior Court  
By Tamara Parra, Deputy Clerk

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14 *Attorneys for Plaintiff Coziahr and the Class*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **COUNTY OF SAN DIEGO**

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

19 **Plaintiff,**

20 **v.**

21 **OTAY WATER DISTRICT; and DOES 1**  
22 **through 200, inclusive,**

23 **Defendants.**

Case No.: 37-2015-00400000-CU-MC-CTL

**CLASS ACTION**

**STIPULATION AND ~~PROPOSED~~ ORDER**  
**APPROVING CLASS NOTICE AND**  
**NOTICE ADMINISTRATOR AND**  
**RESCHEDULING TRIAL DATE**

**IMAGED FILE**

Judge: Hon. Eddie C. Sturgeon  
Dept.: C-67

Complaint Filed: July 14, 2015  
Trial Date: April 10, 2020

24 **RECITALS**

25 Whereas, this Court has certified a litigation class defined as “All single-family  
26 residential customers of the Otay Water District who received water service after July 14,  
27 2014.”

28 Whereas, the parties, Plaintiff Coziahr on behalf of a certified class and Defendant Otay  
Water District, have met and conferred regarding class notice and notice administration.



1           7.       The parties agree that the proposed notice appropriately includes (1) a brief explanation  
2 of the case, including the basic contentions or denials of the parties; (2) a statement that the Court will  
3 exclude the member from the class if the member so requests by a specified date; (3) a procedure for  
4 the member to follow in requesting exclusion from the class; (4) a statement that the judgment, whether  
5 favorable or not, will bind all members who do not request exclusion; and (5) a statement that any  
6 member who does not request exclusion may, if the member so desires, enter an appearance through  
7 counsel. That proposed notice is attached as Exhibit 1.

8           8.       The parties agree that, for purposes of providing class Notice, Defendant will provide  
9 names and contact information (email and mailing address) to the Notice Administrator, which will  
10 keep this information confidential and will use it only to provide notice to the Class.

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1           9.     Lastly, Plaintiffs propose that the Court appoint RG2 as Notice Administrator. A  
2 resume for the administrator is attached as Exhibit 2. Defendant Otay does not oppose this  
3 appointment.

4     Dated: January 29, 2020

Respectfully submitted,

5           **GIBBS LAW GROUP**

6           By: 

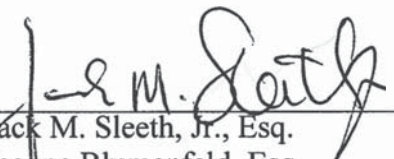
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24           Attorneys for Plaintiff and the Class

25     Dated: January 29, 2020

26           By:   
27           Jack M. Sleeth, Jr., Esq.  
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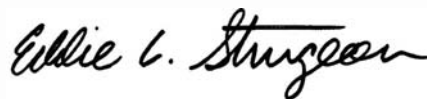
1 **[PROPOSED] ORDER**

2 Upon review of the parties' stipulation regarding class notice and the appointment of a notice  
3 administrator, IT IS HEREBY ORDERED that:

- 4 1. Notice to the class is necessary.
- 5 2. Class members may exclude themselves from the action.
- 6 3. Within sixty (60) calendar days of the mailing of the Class Notice, Class Members who  
7 wish to exclude themselves from (opt out of) the Class must do so in writing in accordance with the  
8 Notice. The written objection must be served in accordance with the directions in the Class Notice.
- 9 4. The trial, currently scheduled to begin April 10, 2020, shall be rescheduled for June 12,  
10 2020, or \_\_\_\_\_ [a date thereafter convenient to the Court that is before July 14,  
11 2020]. Trial Readiness Conference continued to 5-29-2020 at 10:15 a.m.
- 12 5. Notice shall be given to class members no later than 60 days before the start of trial.
- 13 6. Notice shall be given in substantially the same manner as that proposed by the parties.
- 14 7. The content of the notice shall be substantially similar to the proposed notice attached  
15 as Exhibit 1.
- 16 8. Class counsel shall preliminarily bear the cost of notice at this time. The Court shall  
17 address any right to recover costs at a later date upon application from Class Counsel.
- 18 9. The Court appoints RG2 as Notice Provider, based on its qualifications and  
19 experience.
- 20 10. Defendant Otay shall provide to the Notice Provider information that is reasonably  
21 necessary to effectuate the notice plan approved by the Court, including a class list and contact  
22 information, no later than 10 days after the entry of this Order, unless that period is extended by  
23 agreement of the parties.

24 Dated: 2/6/2020

By:



Hon. Eddie Sturgeon  
Superior Court Judge