

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA

MINUTE ORDER

DATE: 01/24/2017

TIME: 03:35:00 PM

DEPT: 41

JUDICIAL OFFICER PRESIDING: Vincent O'Neill

CLERK: Julie Childs

REPORTER/ERM:

CASE NO: **56-2016-00481628-CU-EI-VTA**

CASE TITLE: **Casitas Municipal Water District vs. Golden State Water Company**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Eminent domain/Inverse condemnation

EVENT TYPE: Ruling on Submitted Matter

APPEARANCES

The Court, having previously taken the Motion for Attorney Fees on Behalf of Golden State Water under submission, now rules as follows:

Having taken the matter under submission following oral argument on January 24, 2017, the court rules as follows on Defendant Golden State's motion for attorney fees pursuant to Code of Civil Procedure section 415.16(c)(1).

The court grants, in part, Defendant Golden State's motion for attorney fees pursuant to Code of Civil Procedure section 425.16 by awarding \$23,209. (Having reflected further on the overlap between the two anti-SLAPP motions, the court has calculated Mr. Soneff's and Mr. Moran's time at \$350 per hour, Ms. Lam at \$250; Mr. Moran's 76 hours claimed in his initial declaration has been reduced by 50 per cent. The court has awarded \$179 in costs as argued by Golden State, and has reduced the rate but not the hours claimed in the Reply papers.)

Having prevailed on its anti-SLAPP motion, Golden State is entitled to reasonable fees and costs pursuant to CCP 415.16(c)(1). The court declines Intervenors' invitation to apply CCP § 425.17(b) to this case. The statute itself lacks a provision making it applicable when first raised at this stage. The case law cited by Intervenors is distinguishable in that those cases involved a dismissal in response to an anti-SLAPP motion, rather than, as here, a ruling on the merits.

Even if timely raised, CCP § 425.17(b) would not apply as this action was not brought *solely* in the public interest or on behalf of the general public. (See *Club Members for an Honest Election v. Sierra Club* (2008) 45 Cal.4th 306, 316-17 ("The statutory language of 425.17(b) is unambiguous and bars a litigant seeking 'any' personal relief from relying on the section 425.17(b) exception.")) Further, this lawsuit did not place a disproportionate financial burden on Intervenors in relation to their stake in the matter.

Notice to be given by clerk.