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20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
21 **FOR THE COUNTY OF SAN DIEGO, CENTRAL DISTRICT**

22 BARRY ALLRED AND BRAD PENLEY on
23 behalf of themselves, and all others similarly
24 situated,

25 Plaintiffs/Petitioners,

26 v.

27 CITY OF SAN DIEGO; and DOES 1-10,
28 INCLUSIVE

Defendant/Respondent.

Case No.: 37-2021-00030939-CU-WM-CTL

CLASS ACTION

**[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

Date: June 7, 2024

Time: 8:30 a.m.

Dept.: C-65

Judge: Hon. Robert Longstreth

FILED
Clerk of the Superior Court

JUN 10 2024

By: M. Acosta, Deputy

1 **[PROPOSED] ORDER**

2 This matter coming before the Court on Plaintiffs' Motion for Class Certification, and the Court
3 finding that Plaintiffs have satisfied the requirements of California Code of Civil Procedure § 382, it is
4 hereby ordered that Plaintiffs' Motion for Class Certification is **GRANTED**. Accordingly, the Court
5 Orders as follows:

6 1. The Court GRANTS Plaintiffs' request to certify with respect to their claims for
7 violations of the California Constitution and money had and received, a Class defined as follows:

8 All San Diego Public Utility Department ("SDPUD") customers who paid bills for
9 wastewater services provided to a residential or commercial/industrial account at an
10 address within the City of San Diego and not subject to IWCP permitting, on or after July
11 1, 2014 and until the date the Class is certified by the Court, excluding Defendant and
12 Defendant's officers, directors, employees, agents, and affiliates, and the Court and its
13 staff.

14 2. The Court hereby appoints Plaintiffs Barry Allred and Brad Penley as the class
15 representatives.

16 3. The Court hereby appoints the Law Offices of Ronald A. Marron, the Elliot Law Office,
17 PC, and its individual attorneys as Class Counsel for the Class defined above. Class Counsel shall have
18 the sole authority to perform or delegate as appropriate the following tasks on behalf of the certified
19 Classes defined above:

- 20 a) Conduct settlement negotiations with Defendant and if there is a settlement, propose a
21 claims protocol and plan of allocation;
- 22 b) Enter into stipulations and/or agreements with opposing counsel as necessary for the
23 conduct of the litigation;
- 24 c) Determine and present (in briefs, oral argument, or such other fashion as may be
25 appropriate, personally or by a designee) to the Court and opposing parties the position
26 of the Plaintiffs and the Class on all matters arising during pretrial proceedings and at
27 trial;
- 28 d) Coordinate and conduct discovery on behalf of Plaintiffs and the Class consistent with
the requirements of the California Rules;
- e) Allocate the distribution of attorneys' fees and reimbursement of expenses ordered by the

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Court, if any; and

f) Perform such other duties as may be incidental to the proper coordination of pretrial and trial activities authorized by further order of this Court.

4. The Court hereby retains jurisdiction over the claims of the certified Class for all purposes, including settlement approval.

IT IS SO ORDERED.

Dated: 6/10/24



HON. ROBERT LONGSTRETH
Judge of the Superior Court