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7 Attorneys for Plaintiffs

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF EL DORADO

10 MARIA BARRAZA; MARILYN BARRAZA;
LAUREN CANTU; GARY JOHNSON;
11 ROBERT CARPENTER; TERESA
UNDERWOOD; JOHN DAVIS; CHRISTIAN
12 DAVIS; KAREN DAVIS; GEORGIA DICK;
13 SANDRA DIMAGGIO; JOEL ERICKSON;
CYNTHIA SNEED; PATTI HAMIC-
14 CHRISTENSEN; WILLIAM KNOWLES;
JODY LEES; BRIANNA MORRIS; MELINDA
15 REDROBE; TREVOR REDROBE; ELISHA
SHOSHONE; FRANK SHOSHONE; ALICIA
16 VERNON; STEVE VERNON;

17 Plaintiffs,

18 v.

19 LIBERTY UTILITIES CO. and DOES 1-200,
20 inclusive,

21 Defendants.
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EL DORADO CO. SUPERIOR CT.

FILED FEB 17 2022

BY S. Dillon
Deputy

Case No.: PC20200632

PLAINTIFFS' NOTICE OF FEDERAL
COURT DECISION ON CASE


FILED BY FAX

1 **TO THE COURT AND ALL ATTORNEYS OF RECORD:**

2 NOTICE IS HEREBY GIVEN that on April 1, 2021, the United States District Court, Eastern
3 District of California, granted Plaintiffs, Maria Barraza et al., Motion to Dismiss WITHOUT
4 PREJUDICE in order to litigate in State Court. (See court order hereto as Exhibit 1).

5
6 SINGLETON SCHREIBER, LLP

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8 Dated: February 16, 2022

9 By: 
10 Gerald Singleton
11 J. Ross Peabody
12 John C. Lemon
13 Tommy H. Vu

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Attorneys for Plaintiffs

3 **PROOF OF SERVICE**

4 I, the undersigned, hereby declare and state as follows: I am over the age of eighteen years,
5 employed in the County of San Diego, California, and not a party to the within action. My business
6 address is 450 A Street, 5th Floor, San Diego, California 92101. Today, I served the true copies of the
7 following documents:

8 **PLAINTIFFS' NOTICE OF FEDERAL COURT DECISION ON CASE**

9 On the following interested parties in said action by placing a true and correct copy thereof served same
10 on the parties addressed and transmitted as follows:

<p>11 Krsto Mijanovic, Esq. kmijanovic@hbblaw.com 12 Patrick F. McIntyre, Esq. pmcintyre@hbblaw.com 13 Steven A. Scordalakis, Esq. sscordalakis@hbblaw.com 14 Lisa T. Omoto, Esq. lomoto@hbblaw.com 15 HAIGHT BROWN & BONESTEEL LLP 16 555 South Flower Street, Forty-Fifth Floor 17 Los Angeles, California 90071</p>	<p>Attorneys for Defendant, LIBERTY UTILITIES CO.</p> <p>18 .</p>
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- 19 **BY U.S. MAIL:** I placed each sealed, prepaid envelope for collection and mailing at 450 A Street,
20 5th Floor, San Diego, CA 92101. I am readily familiar with the business practice for collection and
21 processing of correspondence for mailing with the United States Postal Service pursuant to which
practice the correspondence will be deposited with the United States Postal Service this same day
in the ordinary course of business.
- 22 **BY FACSIMILE:** I caused said document(s) to be transmitted by facsimile transmission. The
23 name(s) and facsimile machine telephone number(s) of the person(s) served are set forth above.
24 The sending facsimile machine properly issued a transmission report confirming that the
transmission was complete and without error.
- 25 **BY OVERNIGHT MAIL:** I caused said document(s) to be deposited in a box or other facility
26 regularly maintained by an express service carrier providing overnight delivery in an envelope or
package designated by the express service carrier with delivery fees paid or provided.
- 27 **BY PERSONAL SERVICE:** I hand-delivered such document(s) to the person(s) served
hereunder.
- 28 **BY E-MAIL:** I caused said document(s) to be delivered via electronic mail (e-mail) to the
person(s) so designated above.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct.

3 Executed on February 22, 2022

4 
5 _____
6 *Denise Romero*

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EXHIBIT 1

From: caed_cmecf_helpdesk@caed.uscourts.gov
Sent: Thursday, April 1, 2021 10:44 AM
To: CourtMail@caed.uscourts.dcn
Subject: Activity in Case 2:21-cv-00163-JAM-DB Barraza v. Liberty Utilities Co. Minute Order.

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Eastern District of California - Live System

Notice of Electronic Filing

The following transaction was entered on 4/1/2021 at 10:43 AM PDT and filed on 4/1/2021

Case Name: Barraza v. Liberty Utilities Co.

Case Number: [2:21-cv-00163-JAM-DB](#)

Filer:

WARNING: CASE CLOSED on 04/01/2021

Document Number: 16(No document attached)

Docket Text:

MINUTE ORDER: On December 16, 2020, Plaintiffs Maria Barraza, et al. filed a complaint for injuries and damages resulting from the Mountain View Fire in El Dorado County Superior Court against Liberty Utilities and Does 1-200. On January 27, 2021, Liberty Utilities removed the action to this Court on diversity grounds. Notice of Removal, ECF No. [1]. Plaintiffs having identified a Doe Defendant, Western Weather, who would destroy diversity, now seek to voluntarily dismiss this action without prejudice so that they may refile in State Court. See Pls.' Mot., ECF No. [9]. Defendant, Liberty Utilities opposed this motion, arguing Western Weathers is a "sham" defendant. See Opp'n, ECF No. [11]. Plaintiff in their reply brief exceeded the Court's 5-page limit on reply memoranda. See Reply, ECF No. [14]; see also Order re Filing Requirements (Order), ECF No. [2]-2. Violations of the Court's standing order require the offending counsel (not the client) to pay \$50.00 per page over the page limit to the Clerk of Court. Order at 1. Moreover, the Court will not consider arguments made past the page limit. Id. Plaintiffs' reply exceeded the Court's page limit by 2 pages. Plaintiffs' counsel must therefore send a check payable to the Clerk for the Eastern District of California for \$100.00 no later than seven days from the date of this order. Having considered the parties' briefing on the matter the Court hereby **GRANTS** Plaintiffs' motion to dismiss **WITHOUT PREJUDICE**. In granting Plaintiffs' motion, the Court reaches no decision about whether Western Weather is a proper Defendant. The parties may litigate the issue in State Court, if they choose. **IT IS SO ORDERED.** (cc: Financial) [TEXT ONLY ENTRY] (Michel, G.)

2:21-cv-00163-JAM-DB Notice has been electronically mailed to:

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2:21-cv-00163-JAM-DB Electronically filed documents must be served conventionally by the filer to: