

FILED

FEB 26 2003

SHERRI L. PEDERSEN
CLERK OF THE SUPERIOR COURT
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1 Cressey H. Nakagawa
State Bar No: 043006
2 LAW OFFICES OF CRESSEY H. NAKAGAWA
Patrick J. Maloney
3 State Bar No: 042963
Thomas S. Virsik
4 State Bar No: 188945
LAW OFFICES OF PATRICK J. MALONEY
5 2425 Webb Avenue, Suite 100
Alameda, CA 94501-2922
6 Telephone: (510) 521-4575
Attorneys for Plaintiffs
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF MONTEREY**

10 ORRADRE RANCH, et al.)
11)
12 Plaintiffs,)
13 vs.)
14 MONTEREY COUNTY WATER)
15 RESOURCES AGENCY AND ALL)
16 PERSONS INTERESTED IN THE)
17 VALIDITY OF THE establishment of)
Fiscal Year 1999-2000 assessments for)
Zones 2, 2A, 2Y and 2Z of the Monterey)
County Water Resources Agency,)
18 Defendants.)

Case No. M 45589

DECLARATION OF THOMAS VIRSIK
IN SUPPORT OF EX PARTE MOTION
TO APPROVE SETTLEMENT AND
ENTER JUDGMENT

CCP § 664.6

Date: 2/26/03
Time: 8:30 AM
Department 14

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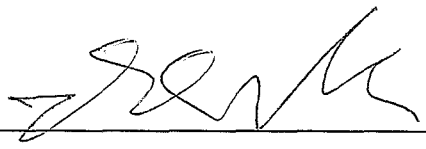
I, Thomas S. Virsik, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

1. I am one of the attorneys for the Orradre parties and am in that capacity familiar with matters reflected herein.
2. I participated in the negotiation of the settlement document subject to the motion for its approval on behalf of my clients. Kevin O'Brien of the Downey Brand firm was the principal attorney negotiating the settlement for the MCWRA.
3. I was present on February 18, 2003 when the Board of supervisors of the MCWRA approved the settlement document. A true copy of said settlement document is attached to this motion.
4. On February 20, 2003 and February 21, 2003 I faxed (twice) to Kevin O'Brien drafts of the within moving papers. On February 24, 2003 I emailed to Steven Saxton of the Downey Brand firm a set of moving papers at his request.
5. On February 21, 2003 I placed telephone calls to counsel for the other parties remaining in the various litigations, Rob Donlan for Tanimura & Antle, Inc. and Piero Dallarda for the Castroville Agricultural Water Coalition. I also emailed (twice) the settlement, a release, and other documents to both counsel that day. I also faxed to them the letter to the court setting the instant hearing.
6. I spoke with counsel for Tanimura & Antle on the telephone on February 21, 2003. On February 24, 2003 I received the release of Tanimura & Antle, Inc, copies of which are attached to the moving papers.
7. On February 24, 2003 I again telephoned Piero Dallarda, counsel for the Castroville group, again. I spoke with him late that afternoon and was informed that the Castroville group may "oppose" the terms of the settlement unless certain changes or clarifications are made to it. I asked for those changes, which thus far I have not received. I was also told that Castroville had spoken with MCWRA counsel and had obtained copies of my moving papers form them.

1 8. I received the signed settlement agreement in the mail over the weekend from the
2 MCWRA, i.e., on February 24, 2003.

3 9. On February 25, 2003 I received a telephone call from Steven Saxton of the Downey
4 Brand firm for the MCWRA expressing reservations about how and why the court could
5 approve the settlement. I reminded Mr. Saxton of the MCWRA's obligation to take actions
6 to implement the terms of the settlement (§ 12 of the settlement) and that my clients
7 assumed that the MCWRA would do so in the context of this motion.

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Dated: 2/25/03 
Thomas Virsik