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FILED

JUN 11 2007

LISA M. GALDOS
CLERK OF THE SUPERIOR COURT
DEPUTY
[Signature]
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11 MONTEREY COUNTY WATER RESOURCES AGENCY

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF MONTEREY

14 SALINAS VALLEY PROPERTY
15 OWNERS FOR LAWFUL
16 ASSESSMENTS, et al.,

17 Plaintiffs,

18 v.

19 COUNTY OF MONTEREY; BOARD OF
20 SUPERVISORS OF THE COUNTY OF
21 MONTEREY; MONTEREY COUNTY
22 WATER RESOURCES AGENCY, et al.,

23 Defendants.

CASE NO. M66890

**[PROPOSED] ORDER DENYING
PLAINTIFFS' MOTION TO COMPEL
DEFENDANTS' COMPLIANCE WITH
STIPULATED JUDGMENT**

Date: April 27, 2007
Time: 9:00 A.M.
Courtroom: 14

DOWNEY BRAND LLP

24 Plaintiffs SALINAS VALLEY PROPERTY OWNERS FOR LAWFUL ASSESSMENTS,
25 et al's Motion to Compel Defendants' Compliance with Stipulated Judgment initially came on for
26 hearing before the Honorable Michael Fields on March 23, 2007, and was continued for further
27 hearing before the Hon. Robert O'Farrell on April 27, 2007, at 9:00 a.m. Andrew M. Hitchings
28 of Somach, Simmons & Dunn appeared for Plaintiffs. Steven P. Saxton of Downey Brand LLP
appeared for Defendants COUNTY OF MONTEREY and MONTEREY COUNTY WATER
RESOURCES AGENCY (MCWRA). The Court, having reviewed the papers submitted by the
parties and heard arguments from counsel, and having filed its written Ruling on May 23, 2007 (a
copy of which is attached hereto as Exhibit A), HEREBY ORDERS that Plaintiffs' Motion to

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Compel Defendants' Compliance with Stipulated Judgment shall be and is hereby DENIED in its entirety.

DATED: June 11, 2007

Kay Kingsley
JUDGE OF THE SUPERIOR COURT
KAY KINGSLEY

Approved as to form and content:

Andrew M. Hitchings 6/5/07
ANDREW M. HITCHINGS

PRESIDING JUDGE, SEC 635 CCP

836154.3

DOWNEY BRAND LLP

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY

FILED

MAY 23 2007

SALINAS VALLEY PROPERTY OWNERS FOR LAWFUL ASSESSMENTS, et al.,

LISA M. GALDOS
CLERK OF THE SUPERIOR COURT
DEPUTY

ERIKA D. DUNN

Plaintiffs,

Case No. M 66890

vs

RULING

COUNTY OF MONTEREY, et al.,

Defendants.

Plaintiffs' motion to compel compliance with the stipulated judgment was heard by the court on April 27, 2007. The matter was taken under submission. The court now rules as follows:

This is a validation action. On March 9, 2006, the Hon. Michael Fields signed a final statement of decision invalidating the assessments levied on Plaintiffs' properties. Thereafter the parties agreed to a stipulated judgment, which was signed by the court on March 15, 2006. The judgment eliminated the assessment for some properties in Zone 2C and reduced it for other properties.

Plaintiffs seek to "compel compliance" with the judgment in three respects. Plaintiffs ask the court: (1) to determine that certain "passive" land uses within some of the parcels should be assessed differently from "irrigated" acres; (2) to order Defendant Monterey County Water Resources Agency [MCWRA] to approve a final MOU setting up a dispute resolution process; and (3) to order Defendant to pay additional attorneys' fees.

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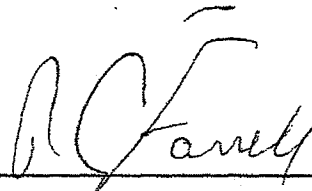
As to (1) Land Use Classifications: In finding for Plaintiffs, the court determined that the assessments levied against Plaintiffs' properties were not proportional to the benefits received. The parties' current dispute centers on MCWRA's land use definitions and assessment practice and policy. These issues were not brought before the court in Plaintiffs' complaint and are not properly before the court now. There are other mechanisms for Plaintiffs to challenge the County's policies. Plaintiffs' motion to compel is denied.

As to (2) Dispute Resolution Procedure: The stipulated judgment calls for the parties to "develop a mutually agreeable procedure" to resolve disputes between the parties concerning acreage amounts or land use classifications. Since the procedure must be "mutually agreeable", the court declines to impose one on the parties. It appears the parties have come very close to finalizing a procedure. The court encourages the parties to resume their efforts. Alternatively, either side may petition for a novation or to vacate the stipulated judgment.

As to (3) Attorneys' Fees: Plaintiffs' request for attorneys' fees incurred with this motion is denied.

Dated:

MAY 23 2007



HON. ROBERT O'FARRELL
Judge of the Superior Court

CERTIFICATE OF MAILING

I do hereby certify that I am not a party to the within stated cause and that on **MAY 23 2007**, I deposited true and correct copies of the attached RULING, each in sealed envelopes with postage thereon fully prepaid, in the mail at Salinas, California, directed to each of the following-named persons at their respective addresses, as hereinafter set forth:

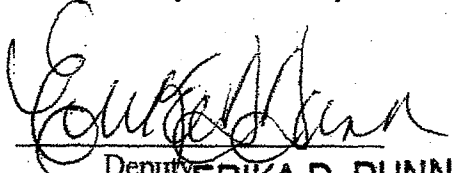
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DATED: **MAY 23 2007**

LISA M. GALDOS,
Clerk of the Superior Court of
California, County of Monterey.

By: 
Deputy **ERIKA D. DUNN**