

**SUPERIOR COURT OF THE STATE OF CALIFORNIA SAN DIEGO COUNTY**  
*DANIEL PATZ, JOAN CHESNER V. CITY OF SAN DIEGO*, Case No. 37-2015-00023413-CU-MC-CTL

**Important: This affects your legal rights. Read it carefully.**

**NOTICE OF CLASS ACTION**

*A court approved this notice. This is not an advertisement or solicitation.*

**TO:** All single-family residential customers of the City of San Diego who received water service at any time after August 21, 2014.

This Notice is to inform you of a class action lawsuit that is being litigated on behalf of all single-family residential customers of the City of San Diego who received water service at any time after August 21, 2014. Your rights may be affected by the legal proceedings in this action. There is not yet a resolution of the case that would entitle you to money or other benefits.

**WHAT IS THIS CASE ABOUT?**

Plaintiffs Daniel Patz and Joan Mann Chesner (the “Plaintiffs”) filed a lawsuit against the City of San Diego in which they represent a class of all single-family residential customers of the City of San Diego who received water service at any time after August 21, 2014. Plaintiffs claim that San Diego violated certain provisions of the California Constitution by charging more for the water that it provides to its customers than the proportional cost of delivering the water to each parcel of property. Plaintiffs seek an order from the Court that the charges are illegal and seek repayment of the amount that San Diego single-family residential customers were allegedly overcharged. The City of San Diego disputes these allegations and maintains that its charges were constitutional and otherwise appropriate under the law.

You are receiving this Notice because you have been identified as a Class Member—that is, you have been identified as a single-family residential customer of the City of San Diego who received water service at any time after August 21, 2014.

**The Court ruled, by Order of August 16, 2019, that the case may go forward on a class basis. The Court has not, however, rendered any opinion as to whether Plaintiffs or the City of San Diego are correct about the legal claims in the case.**

Your legal rights may be affected whether you act or do not act. Your options are summarized in this Notice.

**WHAT ARE YOUR OPTIONS?**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS CLASS ACTION</b>	
<b>DO NOTHING</b>	<b>If you do nothing, you will remain in the Class.</b> If you do nothing, you stay part of the class action. You will be bound by the outcome of the lawsuit. You will give up your right to sue the City of San Diego separately about the same legal claims in the lawsuit.
<b>EXCLUDE YOURSELF</b>	<b>If you exclude yourself from the class action,</b> you will not be part of the class action. You keep any rights to sue the City of San Diego separately asserting the same legal claims in this lawsuit. To be excluded, you must sign and mail a written request to be excluded to the Class Notice Administrator at the address listed below in Section 3 on or before May 30, 2020.

**FREQUENTLY ASKED QUESTIONS AND ANSWERS**

**1. Why did I get this Notice?**

The Court approved this Notice to inform you that a class has been certified in this case and to advise you of your rights. You have received this Notice because the City of San Diego’s records indicate that you are a member of the Class. The Class is composed of all single-family residential customers of the City of San Diego who received water service at any time after August 21, 2014.

**2. How do I get more information?**

If you have questions about this Notice or the class action, or if you did not receive this Notice in the mail and you believe that you are or may be a member of the Class, you should contact the Plaintiff’s Counsel at one of the following addresses or by telephone. Please do not contact counsel by email:

Steven Tindall  
Andre Mura  
Kyla Gibboney  
GIBBS LAW GROUP LLP  
505 14<sup>th</sup> Street, Suite 1110  
Oakland, CA 94612  
Telephone: 619-586-5226

Daniel Rottinghaus  
Howard J. Sillardorf  
Theresa M. Filicia  
Berding Weil  
1660 Hotel Circle North, Suite 701  
San Diego, CA 92108  
Phone: (619) 269-0212

Neither the City of San Diego nor the Court will respond to any questions regarding this Notice or the lawsuit. Please do not contact the City of San Diego or the Court.

### **3. How do I exclude myself from the lawsuit if I wish to do so?**

If you are a member of the Class but do not want to remain in the Class, you may exclude yourself (“opt out”). If you exclude yourself from the Class, you will lose any right to receive any money as a result of a settlement or judgment in the class action if that occurs in the case. If you opt out, you may keep any rights you have, if any, against the City of San Diego and you may file your own suit against the City of San Diego based upon the same legal claims that are asserted in the lawsuit, but Class Counsel will not represent you in it. To exclude yourself from the class action, you must mail the enclosed postcard requesting exclusion from the lawsuit, postmarked no later than May 30, 2020 to:

Patz v. City of San Diego  
c/o CPT Group, Inc.  
50 Corporate Park  
Irvine, CA 92606

You must complete the enclosed postcard with your full name and your current address. If you do not submit the postcard by the deadline for exclusions, you will lose any opportunity to exclude yourself from the Class, and your rights will be determined in this lawsuit.

### **4. Who are the attorneys for the Class Members?**

If you do not exclude yourself from the Class, you will be represented by Class Counsel in this litigation. If you prefer to be represented yourself or be represented by your own lawyer, you may exclude yourself and represent yourself or hire your own lawyer. The Court has appointed the following attorneys as Class Counsel: Steven Tindall, Andre Mura, and Kyla Gibboney of the Gibbs Law Group LLP and Daniel Rottinghaus, Howard Silldorf, and Theresa Filicia of Berding Weil. Class Counsel can be reached as indicated in Section 2, above.

Steven Tindall  
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Kyla Gibboney  
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### **5. What protections do I have against retaliation for participating in this Class Action?**

The law and the City of San Diego’s own policies protect you from any retaliatory action based upon your decision to participate in or opt out of this class action. You will not be retaliated against by the City of San Diego for choosing to participate (or not participate) in the Class Action.

### **6. Has the Court decided who is right?**

The Court has not decided whether Plaintiffs or the City of San Diego are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs or the City of San Diego will win or lose this case. Plaintiffs must prove the Class’s claims at a trial, which has not yet occurred. The trial date has been scheduled for September 4, 2020.

### **7. Where can I get further information?**

If you have questions about this Notice, or if you did not receive this Notice in the mail and you believe that you are or may be a member of the Class, you should contact the Class Notice Administrator (contact information listed in Section 3), for more information or to request that a copy of this Notice be sent to you in the mail. If you wish to communicate directly with Class Counsel, you may contact them (contact information in Section 4, above). You may also seek advice and guidance from your own private attorney at your own expense, if you wish to do so.

This Notice is only a summary of the Lawsuit. If you have questions about the case or wish to receive a copy of the court documents in the case, you can access many of the documents online at the following website specifically set up to allow potential Class members to learn about the case: [www.cptgroup.com/cityofsandiego](http://www.cptgroup.com/cityofsandiego). If you do not have access to the Internet, you may contact Class Counsel.

The City of San Diego and Court will not respond to any questions regarding this Notice or the Lawsuit. Please do not contact the City of San Diego or the Court.