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FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

NOV 12 2021

SCANNED BY *Monica Real-Ramos*  
MONICA REAL-RAMOS, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

TOWN OF APPLE VALLEY,  
Plaintiff,  
v.  
APPLE VALLEY RANCHOS WATER  
COMPANY, et al,  
Defendants.

Case No. CIVDS1600180

Assigned for All Purposes to:  
Hon. Donald R. Alvarez

Complaint Filed: January 7, 2016  
Trial Date: October 23, 2019  
to February 11, 2021

**[PROPOSED] ORDER OF DISMISSAL AND JUDGMENT**

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**ORDER OF DISMISSAL AND JUDGMENT**

This eminent domain proceeding came on for trial by the Court pursuant to Code Civ. Proc. §§1260.110 *et seq.* on the objections by defendant Liberty Utilities (Apple Valley Ranchos Water) Corp. to the right to take. The Court heard opening statements, received testimony and documentary evidence, received closing briefs, and heard final arguments of counsel, beginning on October 23, 2019 and concluding on February 11, 2021. Plaintiff Town of Apple Valley was represented by Kendall H. MacVey, Christopher M. Pisano, Guillermo A. Frias and James B. Gilpin of Best Best & Krieger LLP. Defendant Liberty Utilities (Apple Valley Ranchos Water) Corp. was represented by George M. Soneff, Edward G. Burg, David T. Moran and Lauren Fried of Manatt, Phelps & Phillips, LLP.

Based on the evidence received at trial and the Final Statement of Decision issued by the Court in this action on October 8, 2021,


IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

That plaintiff Town of Apple Valley does not have the right to take any of the property it seeks to take from defendant Liberty Utilities (Apple Valley Ranchos Water) Corp. in this proceeding and, therefore, the Town of Apple Valley shall taking nothing pursuant to its Complaint in Eminent Domain on file herein. The Complaint of the Town of Apple Valley shall be, and hereby is, dismissed pursuant to Code Civ. Proc. §1260.120(c)(1). This Order of Dismissal also constitutes a Judgment pursuant to Code Civ. Proc. §581d.

Pursuant to Code Civ. Proc. §§1032 and 1268.610, defendant Liberty Utilities (Apple Valley Ranchos Water) Corp. shall recover from plaintiff Town of Apple Valley its costs and litigation expenses in the amount of \$ ~~to be determined by memo~~

~~13,221,562.54 of costs~~

Dated: 11/12/21

  
HON. DONALD ALVAREZ  
Judge of the Superior Court

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