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9 Attorneys for Petitioners
10 ATHERTON COVE PROPERTY OWNERS ASSOCIATION

11
12 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 IN AND FOR THE COUNTY OF SAN JOAQUIN

14 ATHERTON COVE PROPERTY OWNERS
15 ASSOCIATION, an unincorporated
16 association,

17 Petitioners and Plaintiffs,

18 v.

19 SAN JOAQUIN AREA FLOOD CONTROL
20 AGENCY,

21 Respondent and Defendant

22 DOES 1 through 20, inclusive,

23 Real Parties in Interest.

CASE NO.

**NOTICE OF INTENT TO COMMENCE
ACTION AGAINST THE SAN JOAQUIN
AREA FLOOD CONTROL AGENCY**

(California Environmental Quality Act, Pub.
Resources Code, § 21167.5)

1 TO THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY:

2 PLEASE TAKE NOTICE, under Public Resources Code section 21167.5, that Petitioner
3 and Plaintiff ATHERTON COVE PROPERTY OWNERS ASSOCIATION intends to file a
4 petition for writ of mandate under the provisions of the California Environmental Quality Act
5 (“CEQA”) against the SAN JOAQUIN AREA FLOOD CONTROL AGENCY (“Respondent”)
6 challenging Respondent’s November 19, 2015 certification of an Environmental Impact Report
7 (“EIR”) and associated approvals for the Smith Canal Gate Project (“Project”), required
8 findings and adopted mitigation measures under the California Environmental Quality Act
9 (“CEQA”), Public Resources Code, section 21000 et seq.

10 The lawsuit will be based on violations of CEQA, and other applicable laws as discussed
11 more fully in the Project’s administrative and environmental review proceedings. The exact
12 nature of the allegations and relief sought is described in a Petition for Writ of Mandate that
13 Petitioner plans to file on December 21, 2015.

14 Sincerely,

15 Dated: December 18, 2015

SOLURI MESERVE,
A LAW CORPORATION

16
17
18 By: 

Patrick M. Soluri
Attorney for Petitioner

1 **PROOF OF SERVICE**

2 I hereby declare that I am employed in the City of Sacramento, County of Sacramento,
3 California. I am over the age of 18 years and not a party to the action. My business address is
4 1010 F Street, Suite 100, Sacramento, California 95814.

5 On December 18, 2015, I served the attached document: **NOTICE OF INTENT TO**
6 **COMMENCE ACTION AGAINST THE SAN JOAQUIN AREA FLOOD CONTROL**
7 **AGENCY**, on the following parties or attorneys for parties, as shown below:

8 San Joaquin Area Flood Control Agency
9 22 East Weber Avenue, Suite 301
10 Stockton, CA 95202-2317
Email: marlo.duncan@stocktongov.com

11 ✓ **BY FIRST CLASS MAIL:** I am readily familiar with this business's practice for
12 collecting and processing correspondence for mailing with the U.S. Postal Service. In the
13 ordinary course of business, correspondence would be deposited with the U.S. Postal Service
14 on the day on which it is collected. On the date written above, following ordinary business
15 practices, I placed for collection and mailing at my place of business the attached document in a
16 sealed envelope, with postage fully prepaid, addressed as shown above.

17 ✓ **BY ELECTRONIC MAIL:** I caused each such document to be sent by electronic
18 mail to the addressee at the email address listed above. The document was served
19 electronically from my place of business at 1010 F Street, Suite 100, Sacramento, California
20 95814 from my electronic service address at mae@semlawyers.com.

21 I declare under penalty of perjury that the foregoing is true and correct and that this
22 declaration was executed at Sacramento, California on December 18, 2015.

23 

24 _____
25 Mae Ryan Empleo