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12 Attorneys for Petitioners and Plaintiffs  
County of Sacramento and Sacramento County  
13 Water Agency

**EXEMPT FROM FILING FEES  
PURSUANT TO GOV. CODE, § 6103**

14 SUPERIOR COURT OF CALIFORNIA  
15 COUNTY OF SACRAMENTO

16 COUNTY OF SACRAMENTO, a California  
17 county, and SACRAMENTO COUNTY  
WATER AGENCY, a California water district,

18 Petitioners and Plaintiffs,

19 v.

20 CALIFORNIA DEPARTMENT OF WATER  
21 RESOURCES, a California state agency,

22 Respondent and Defendant,

23 DOES 1 through 50,

24 Real Parties in Interest,

25  
26 AND RELATED ACTIONS.

**Case No. 24WM000014**

(Related to 24WM000006; 24WM000008;  
24WM000009; 24WM000010; 24WM000011;  
24WM000012; 24WM000017; 24WM000062)

**Assigned to Hon. Stephen P. Acquisto  
Department 36**

CALIFORNIA ENVIRONMENTAL  
QUALITY ACT (CEQA) CASE

**COUNTY OF SACRAMENTO AND  
SACRAMENTO COUNTY WATER  
AGENCY'S NOTICE OF MOTION AND  
MOTION FOR PRELIMINARY  
INJUNCTION**

**DATE: May 31, 2024  
TIME: 1:30 p.m.  
DEPT: 36**

Petition Filed: January 22, 2024  
Amended Petition Filed: February 16, 2024

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on May 31, 2024, at 1:30 p.m., or as soon thereafter as  
3 the matter may be heard in Department 36 of this Court, located at 720 Ninth Street, Sacramento,  
4 California, Petitioners and Plaintiffs County of Sacramento and Sacramento County Water  
5 Agency (collectively “Petitioners”) will, and hereby do, move the Court to issue a preliminary  
6 injunction enjoining the Department of Water Resources (DWR) from initiating implementation  
7 of the Delta Conveyance Project (DCP) until DWR files the certification of consistency with the  
8 Delta Stewardship Council (Council) in accordance with Water Code<sup>1</sup> section 85225.

9 The motion is made on the grounds that, as DWR has expressly acknowledged, the DCP is  
10 a “covered action” within the meaning of the Sacramento-San Joaquin Delta Reform Act of 2009  
11 (Wat. Code, § 85000 et seq.) (Act); as DWR has further expressly stated, the geotechnical  
12 activities that DWR is undertaking and plans to undertake pursuant to the DCP final  
13 environmental impact report (FEIR) are an inextricable part of the DCP; Section 85225 requires  
14 DWR to file a certification of consistency with the Council “prior to initiating implementation of”  
15 a covered action, like the DCP; DWR has, to date, not filed a certification of consistency with the  
16 Council for the DCP; and DWR is initiating implementation of the DCP by undertaking the  
17 geotechnical activities under the DCP FEIR in violation of the legislative mandate in Section  
18 85225. Petitioners’ arguments on the merits that DWR is initiating implementation of a covered  
19 action in violation of Section 85225 are thus compelling. Petitioners and the public will further  
20 suffer harm if DWR’s violation of the Act is not enjoined. The physical and procedural harm  
21 arising from DWR’s violation of Section 85225, coupled with the public policy behind the Act  
22 and the public interest in informed decision-making, support the issuance of a preliminary  
23 injunction until DWR complies with the Act.

24 The motion is based on this notice of motion and the supporting memorandum and points  
25 and authorities, declarations of Louinda V. Lacey and Dante J. Nomellini, Jr., and request for  
26 judicial notice served and filed herewith, the records and file herein, and such evidence as may be

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28 <sup>1</sup> All further undesignated section references are to the Water Code unless otherwise specified.

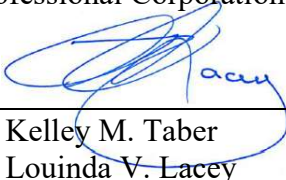
1 presented at the hearing on the motion.

2 Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of  
3 this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative  
4 rulings for the department may be downloaded off the court's website. If the party does not have  
5 online access, they may call the dedicated phone number for the department as referenced in the  
6 local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before  
7 the hearing and receive the tentative ruling. If you do not call the court and the opposing party by  
8 4:00 p.m. the court day before the hearing, no hearing will be held.

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DATED: May 8, 2024

SOMACH SIMMONS & DUNN  
A Professional Corporation

By:  \_\_\_\_\_

Kelley M. Taber  
Louinda V. Lacey

Attorneys for Petitioners and Plaintiffs  
County of Sacramento and Sacramento County  
Water Agency