

FILED

May 13, 2015

JOSEPH A. LANE, Clerk

Jerry Deputy Clerk

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

GOLDEN STATE WATER COMPANY,

Plaintiff and Appellant,

v.

CASITAS MUNICIPAL WATER DISTRICT et al.,

Defendants and Respondents.

2d Civil No. B255408
(Super. Ct. No. 56-2013-00433986-
CU-WM-VTA)
(Ventura County)

ORDER MODIFYING OPINION
AND DENYING REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered the opinion filed on April 14, 2015, be modified as follows:

On page 1, the first paragraph and the first sentence of the second paragraph are deleted. In the second sentence of the second paragraph, a hyphen is inserted between "sky" and "high".

On page 4, last paragraph, in the sixth and seventh lines, the phrase "the issue" is replaced with "Golden State's standing".

On page 6, second paragraph, in the ninth line the phrase "compulsory purchase" is de-italicized.

On page 8, second full paragraph, in the fourth and fifth lines the phrase "which does not directly affect the jurisdiction of the legislative body to order the installation of the facility or the provision of service" is de-italicized and, in the sixth and seventh lines, the citation "(*Ibid.*, italics added.)" is replaced with "(*Ibid.*)".

On page 11, second full paragraph, in the fifth line the phrase "entire bill" is de-italicized and, in the last line, "fn. 2" is replaced with "fn. 2, italics omitted".

On pages 14-15, the paragraph following "Conclusion" is replaced with the following:

Golden State advocates for a rule that would shift the bargaining power decisively in its favor. "While an interesting conversation might be had about whether this was reasonable or wise, we can find no room for arguing" it as a matter of statutory interpretation. (*Capistrano Taxpayers Association, Inc. v. City of San Juan Capistrano* (Apr. 20, 2015, G048969) __ Cal.App.4th __ [2015 WL 1798898, *8].) Like the trial court, we will not set aside the lawfully expressed will of the voters.⁷

[There is no change in the judgment.]

Golden State Water Company's petition for rehearing is denied.